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ACTIVITIES FOR THE ADVANCEMENT OF WOMEN: EQUALITY,  
DEVELOPMENT AND PEACE

Report of Mr. Jean Fernand-Laurent, Special Rapporteur on the  
suppression of the traffic in persons and the exploitation of  
the prostitution of others

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## INTRODUCTION

### A. The mandate

1. On 4 May 1982, the United Nations Economic and Social Council, in resolution 1982/20 (see annex I) requested the Secretary-General to appoint a Special Rapporteur who would make "a synthesis of the surveys and studies on the traffic in persons and the exploitation of the prostitution of others" and would propose to the Council, at its first regular session of 1983, "appropriate measures to prevent and suppress those practices that are contrary to the fundamental rights of human beings".
2. The Special Rapporteur was appointed on 19 October 1982. He submitted his report, as requested, on 21 January 1983. The short period of time available to him was the cause of two omissions which will be referred to below.
3. It is clear from the terms of the above-mentioned resolution that the Economic and Social Council considered the subject within the context of the struggle for the respect and promotion of human rights. It is also clear that, in using the words "traffic in persons", the Council was referring to the exploitation of the prostitution of women and children, excluding other forms of exploitation or slavery.
4. In requesting a synthesis, the Economic and Social Council clearly wished to have a brief, clear and readable document that it could transmit, together with its own guidelines, to the bodies and agencies it is responsible for co-ordinating, so as to mobilize their capacities and resources for a concerted policy.
5. Lastly, it may be deduced from the preamble to resolution 1982/20 of 4 May 1982 that the Economic and Social Council expected the work of the Special Rapporteur to provide at least a brief recapitulation of the work done by the United Nations since the adoption, on 2 December 1949, of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. 1/ Accordingly, the statutory instruments will be reviewed in succession, followed by the resolutions and reports to which they gave rise.
6. Among the relevant statutory instruments, mention must first be made, of course, of the Universal Declaration of Human Rights (General Assembly resolution 217 A (III) of 10 December 1948), and in particular articles 4 and 5, and the two Covenants on Economic, Social and Cultural Rights (art. 10, para. 3) and on Civil and Political Rights (arts. 7 and 24) (General Assembly resolution 2200 A (XXI) of 16 December 1966). Then there are the instruments concerned with women, children and slavery: the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180 of 18 December 1979) (arts. 2 and 6 quoted in annex IX); the Declaration of the Rights of the Child (General Assembly resolution 1386 (XIV) of 20 November 1959) (principles 2 and 9 quoted in annex X), which is being used as a basis for the preparation of a draft international convention on the rights of the child; the Slavery Convention of 25 September 1926, together with the Protocol of 23 October 1953 amending that

Convention and the Supplementary Convention of 30 April 1956 on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (General Assembly resolution 317 (IV) of 2 December 1949, see annex VII) is more specific and will be discussed in connection with the review of national policies (paras. 63 to 71).

7. What do all these instruments have in common? The same underlying ethic. Article 1 of the Universal Declaration of Human Rights concisely expresses an ethic of responsibility and fraternity. In the light of that article, the profound motives underlying the various instruments quoted, which take the juridical form of rights and prohibitions, are revealed: respect for life, respect for others and their distinctness, solidarity with the weakest, desire to promote equality of opportunity, effort to achieve individual and collective autonomy in the exercise of responsibilities. These are the positive and strict moral values shared in the United Nations by Government delegates, despite differences in culture, belief and political ideology. When applied to the field with which we are concerned, they lead to respect for the body and its live-giving organs and the feeling that sexual relations should always be associated with affection and never debased by the desire for power or greed for profit.

8. With regard to the practical work of the United Nations, the report entitled Study on Traffic in Persons and Prostitution 2/ prepared in 1959 by the Department of Economic and Social Affairs at the request of the Economic and Social Council, should be viewed in the context of the 1949 Convention. At the conclusion of the report, a programme of action is proposed which is subdivided as follows: prevention of prostitution, rehabilitation of persons engaged in prostitution, repression of the traffic in persons, prevention and treatment of venereal disease, and organization of global programmes. In 1974, the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights set up a Working Group on Slavery. From the outset this Group considered traffic in women and children to be a form of slavery; at its annual sessions, it heard many submissions from non-governmental organizations and made various recommendations which were ratified by the Commission. In Mexico City, in June and July 1975, the World Conference of the International Women's Year urged Governments (resolution 7) "to adopt measures to avert the forced recruitment of women and young girls into prostitution not confining themselves to repressive measures but adopting also measures to promote the rehabilitation of prostitutes" and requested the Secretary-General to "explore ... the possibility of undertaking a world-wide survey of houses of prostitution where torture is practised". 3/ At Copenhagen, in July 1980, the World Conference of the United Nations Decade for Women requested the Secretary-General to prepare a report "on prostitution throughout the world, its causes and the social and economic conditions which encourage it". 4/ Meanwhile, the International Year of the Child, in 1979, had provided an opportunity for the United Nations and Member States to consider various submissions on the alarming spread of child prostitution in the world. In his report on Exploitation of Child Labour, 5/ submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Abdelwahab Bouhdiba, Special Rapporteur, devoted several paragraphs (see annex II) to child prostitution. On 5 July 1982 Mr. Benjamin Whitaker, Special Rapporteur, when

updating for the Sub-Commission (E/CN.4/Sub.2/1982/20) the report on slavery prepared in 1966 by Mr. Mohamed Awad, 6/ included extensive information on the exploitation of the prostitution of others (see annex III). Finally, the Commission on the Status of Women, at its twenty-ninth session held at Vienna from 24 February to 5 March 1982, after hearing an oral presentation of the report requested by the Copenhagen Conference, recommended for adoption by the Economic and Social Council a draft resolution 7/ on prevention of the traffic in persons and of the exploitation of the prostitution of others which was the origin of the above-mentioned Economic and Social Council resolution 1982/20, the basis of the Special Rapporteur's mandate. It may thus be seen that the Commission on Human Rights, through its subsidiary bodies, and the Commission on the Status of Women have for some years shared the bulk of the work of the United Nations on the subject.

9. Despite the abundance and detail of these texts, prostitution continues to spread and, along with it, the exploitation of prostitution. According to informed estimates, the proportion of women aged between 15 and 30 living off prostitution is about 10 per cent in one country, and in another country the proportion of prostitutes in the female population of the capital is over 13 per cent. At the same time, prostitution is beginning at a younger age. Thus it is undoubtedly time for a new effort of clarification which would provide at one and the same time the updating (or at least the beginning of the updating) of the 1959 report, as requested by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1982/15 of 7 September 1982 (para. 13), 8/ the study requested (resolution 43) by the Copenhagen Conference (1980) and the response to the request made by the Economic and Social Council (resolution 1982/20).

#### B. The method followed

10. The Economic and Social Council did not expect the Special Rapporteur to prepare a new survey on prostitution in the world. In any case, the short time available would not have been sufficient for such an undertaking. However, it requested him, before making proposals, to make a synthesis of available data on the subject within the United Nations and outside the system.

11. The Rapporteur therefore contacted the secretariats of all the competent organizations in the United Nations system. He visited all of them, except for FAO and the secretariats of the regional commissions with which, because of the distances involved, he confined himself to corresponding (the first omission in his report). Annex IV gives a list of organizations consulted. The meetings and correspondence made it possible to identify the organizations in the system which have the necessary mandate and capacity for assembling information and taking action.

12. The Rapporteur also contacted the competent bodies outside the United Nations system: those bodies are listed in annex V and include the International Criminal Police Organization (INTERPOL) and several non-governmental organizations which are active, principally or as a subsidiary concern, in the field with which we are concerned. The Rapporteur participated in the congresses or general assemblies of

several of these non-governmental organizations: the Congress, in Nice, of the International Abolitionist Federation (September 1981); the Congress, in Paris, of the International Society of Child Abuse and Neglect (September 1982); the general assembly, in London, of the Anti-Slavery Society (December 1982). On the first of these occasions and on other occasions, he met individuals who were prostitutes or had recently escaped from prostitution.

13. It was not an explicit part of the Special Rapporteur's mandate to seek information from Governments. In any case, he would not have had time to do so. Nevertheless, he consulted existing public documentation on the policies of certain Governments. He also consulted a large bibliography, the essential part of which is reproduced in annex VI.

14. The Special Rapporteur wishes to express deep gratitude to all those with whom he talked or corresponded.

15. Before embarking on the study, it remains for him to outline the plan adopted. Chapter I attempts to describe in a clear and orderly manner the world of prostitution and the slavery to which women and children are subjected in it. It does so in a somewhat didactic manner so that the report can serve as an introduction to officials who have not yet had an opportunity to find out about the situation. This chapter will be supplemented by an indication of the principal known or suspected routes of traffic. Chapters II and III will contain suggestions to Member States concerning national policy, and proposals for the United Nations and Member States concerning international co-operation. The Council may find the elements of a draft resolution in the second and third parts. The annexes contain the basic documents which may serve as references for future work as well.

## Chapter I

### A UNIVERSAL AND INTERDISCIPLINARY QUESTION

16. Contrary to an opinion that is too widespread, prostitution is not the oldest profession. (It was and still is unknown in many so-called "primitive" societies.) But it is true that it is found today to varying degrees in all organized States, in all cultures and in all parts of the world, especially where the population is very dense and where money changes hands frequently.

17. In an analysis of the problem, it can be approached from several angles and this, as we shall see, is why it interests organizations with very different aims. One can approach it from the angle of ethnology, sociology or cultural history, for example; or again, from the point of view of political economy, one can see the world of prostitution as a closed economic system; or, from the point of view of criminology, as a branch of the criminal world because of the procuring involved. Prostitution can also be judged by the standards of public health, religion or morality. We ourselves, without overlooking any of these approaches, shall take the human rights approach, as does the Economic and Social Council; and from that point of view we, like the Commission on Human Rights, consider prostitution to be a form of slavery.

A. A three-way trade

18. Like slavery in the usual sense, prostitution has an economic aspect. While being a cultural phenomenon rooted in the masculine and feminine images given currency by society, it is a market and indeed a very lucrative one. The merchandise involved is men's pleasure, or their image of pleasure. This merchandise is unfortunately supplied by physical intimacy with women or children. Thus, the alienation of the person is here more far-reaching than in slavery in its usual sense, where what is alienated is working strength, not intimacy.

19. The market is created by demand, which is met by supply. The demand comes from the client, who could also be called the "prostitutor". The supply is provided by the prostitute. This is the simplest but also the rarest example. In most cases (8 or 9 times out of 10, according to observers, at least in Europe), a third person comes into the picture, perhaps the most important; this is the organizer and exploiter of the market - in other words, the procurer in his various guises: go-between or recruiter, pimp, owner of a house of prostitution, "massage parlour" or bar, or provider of a hotel room or studio. The procurer is usually a professional, involved to some extent in the world of crime. When it comes to children, it can be an older child who runs a "racket".

20. In the industrialized market-economy States, a concern not to hamper trade allows an overt market for eroticism and pornography to develop alongside the discreet prostitution market. The two complement and reinforce each other. The streets on which the sex shops are located are those where prostitution is heaviest.

21. Of the three partners in the three-way relationship - client, prostitute and procurer - least is known about the first mentioned. Since there are no laws or regulations that either punish or restrict the client, he can remain anonymous. There is so far no literature, to the Rapporteur's knowledge, in which the client has himself divulged his motivations. 9/ The reasons which prompt a bachelor or a married man to become a client have not as yet been analysed. Meanwhile, one can only suppose that his desires and his behaviour stem from the image that society gives him of his virility and from the conception which he has of women's duty being to serve his pleasure. Military service and the media no doubt play a decisive role here. Insufficient preparation for marriage among women, and also among men, might explain certain unsuccessful marriages which lead the husband to seek sexual satisfaction outside the home.

22. More is known about the prostitute, because she is monitored by social workers and has often been described in literature. Moreover, in recent times, several former prostitutes have given autobiographical accounts of their prostitution experiences. Today, therefore, we know what brings a woman to the point of becoming a prostitute. Economic hardship is the main reason, but it is not enough; not all poor women become prostitutes; in addition to poverty, there must be a loss of respect for moral strictures, an emotional frustration (rejection of parents or by parents, desertion by a husband or by a lover), and a lack of outside assistance or a refusal to use it when it is available. Statistically, most prostitutes have been raised in broken families; a large number of them have been the victims of rape or incest. They therefore do not count on their families if they want to

raise children they have had with men who have deserted them (many of them are unmarried mothers - 70 per cent according to the English Collective of Prostitutes - and they are very attached to their children). In the quite rare cases where the prostitute comes from an affluent family, she is motivated by a desire to challenge conventional morality combined with an excessive interest in money and the satisfactions it can provide. Does not, however, this need for money reflect the deeper need to use the external trappings of wealth to overcome the frustration of one whose personality fails to make a mark on those around her? More basically, a woman of any social level can fall into prostitution as she would fall into alcoholism or drug abuse, or as she would commit suicide: through grief, loneliness, boredom or despair. Then again it can happen in the case of addicts that prostitution seems to be the only means of obtaining drugs. 10/ In short, it could be said of most women prostitutes that they have moved from a marginal situation into another even more marginal state.

23. At any rate, even when prostitution seems to have been chosen freely, it is actually the result of coercion. That was the gist of the testimony given to the Congress of Nice on 8 September 1981 by three "collectives" of women prostitutes from two major developed countries:

"As prostitutes, we are well aware that all prostitution is forced prostitution. Whether we are forced to become prostitutes by lack of money or by housing or unemployment problems, or to escape from a family situation of rape or violence (which is often the case with very young prostitutes), or by a procurer, we would not lead the 'life' if we were in a position to leave it." 11/

24. The rural exodus in the developing countries figures as a determining cause of prostitution. A survey published in 1978 by the Dakar magazine Famille et Developpement (see annex VI.14), shows that employment in the cities is essentially male-oriented. Thus, the first victims in the cities are women. In the country, they have a role as producers; in the city their only role will be that of mothers and wives. Often illiterate and without professional qualifications, they have few alternatives: to be unskilled workers in the few factories where the work force is largely female, to work in domestic service, to ply a small trade or to become prostitutes. For a number of years, this last option has been forced on many women as a condition of survival for themselves and their children. In addition, the supply of prostitutes has grown to meet the demand of large-scale tourism (see para. 39).

25. Emigration, which is often an extension of the rural exodus, produces comparable effects. Women immigrants are, as pointed out in the paper presented at Nice by three "collectives" (see para. 23), the most vulnerable to exploitation:

"Women who have been raped, beaten, forced to work for a pimp (as a prostitute who works for a procurer or a domestic worker in a family), or for illegal wages on the black market, are too afraid of being deported and dare not complain to the police." 12/

Further comments will be made in paragraph 80 on the effects of worker migrations on prostitution.



26. Wherever foreign troops are present in large numbers, one can observe both in the country concerned and in the neighbouring countries where the soldiers spend their leave the appearance of a prostitution market or expansion of the existing market. Habits are established among the female population which, after the troops or bases are withdrawn, will be exploited by the tourist networks which take over. One organization of Asian women considers this yet another reason for opposing military alliances and use of the smallest countries in preparations for a new world war.

27. Occasional prostitution, the so-called "end-of-the-month" type, becomes permanent prostitution once the woman falls into the clutches of a procurer. The procurer is a character more often depicted in literature or in films than met with by the social workers. On the other hand, he is very well known to the police, which sometimes (too often!) uses him as an informer. Despise for women, congenital sloth and a total lack of morals are the characteristics that predispose a man to become a procurer. As a recruiter, he "sells" women to a house of prostitution or to a pimp. The pimps keep virtually all the women's daily earnings. All are involved in the world of crime. The considerable sums earned from procuring actually constitute, according to the police, the "working capital" of organized crime. These funds are sufficient to corrupt, when they are corruptible, those in political circles, the police and other State officials.

28. The naiveté of young people facilitates the task of the recruiters and pimps, who have several tricks for subjugating their victims, without always having to resort to force. The procurer, who has hardly anything else to do is adept at detecting the weaknesses of his future victims. Among the most frequently used tricks are seduction and a fraudulent promise of marriage or of lucrative employment, followed by the demand for "temporary" prostitution to repay a fictitious debt; at other times, the lure is a contract to join an artistic tour abroad, a tour which ends in a house of prostitution or a restaurant or place of entertainment that is also used for prostitution; at other times it is the offer of travel abroad as au paire or students in language-training centres. When force is used, it involves drugs which facilitate kidnapping and sequestration, beating, torture, blackmail involving children and threats of mutilation or murder. Such threats are all the more to be feared since it is known that they are sometimes carried out.

29. Other tricks and other constraints are practised on children. There is no doubt that in the slum belts of certain large cities, children sometimes have no other choice in order to survive but to pick through garbage, beg, steal or become prostitutes. But adults - paedophiles or procurers - often take the initiative by offering money or gifts. In depressed rural areas, where helpless peasant families are heavily in debt to a usurer, the children are sometimes bought or rented by a procurer from their parents, who may or may not be aware of their ultimate fate. If the child is an orphan, an abandoned child, a runaway or temporarily separated from his parents by some catastrophe, he is especially vulnerable and can simply be kidnapped. Paedophile tourists may be involved (see para. 40).

30. In some industrialized countries, child prostitution has recently been organized to benefit the pornography industry, which produces photo albums, films and video cassettes. Children are photographed or filmed in indecent positions, and these pictures are sold for high prices through a clandestine network of persons interested in such things. This trade may be national or international.

31. Procuring does not stop at the activities of recruiter, go-between or pimp. Many laws consider as a procurer and prosecute as such any person who knowingly derives profit from the prostitution of others. This applies to a landlord or tenant who makes premises available, at rates above the average rent, to a prostitute for the pursuit of her activities: these are the offences of procuring through the provision of hotel or other premises. The owner or manager of a bar where waitresses are encouraged to act as prostitutes is also a procurer, although he is rarely prosecuted. An organizer of package tours ("sex charters") where the services of a prostitute are included in the package is also a procurer, although so far there have been no prosecutions. In this same category of procurers, we should include the social clubs or the so-called "marriage" bureaux, when such enterprises derive a profit from rendezvous where payment is made for sexual favours (some international marriages of convenience are concluded simply for the sake of prostitution). Should the publisher of a book or newspaper that encourages such practices also be considered a procurer? The human imagination is limitless where there is a profit to be made.

32. Certain intelligence services and capitalist firms act as procurers when, in order to corrupt or compromise a statesman or businessman, they arrange for him to meet women, styled as hostesses or secretaries, who are trained in this particular form of "high-class" prostitution.

33. Procurers usually conduct their activities with impunity. Perhaps because the police or the investigating official are not sufficiently zealous (through negligence, fear or corruption), or because it is sometimes difficult to obtain proof of such offences (in court the victim, fearing reprisals, may withdraw charges made to the police and the investigating official), or because the procurer is protected as an informer, or else because the offender escapes prosecution by crossing the border, the fact remains that repression is ineffectual. In the Western European State which considers itself to be the strictest, repression affects about 1 procurer out of 10: the deterrent effect is very inadequate.

#### B. A form of slavery

34. A review of the various collective (remote) and individual (immediate) causes of prostitution - poverty, emotional deprivation, trickery and coercion on the part of procurers - makes it unnecessary to invoke any kind of mental weakness or supposed vicious inclination to explain why women fall into prostitution.

35. Once embarked on that course, they enter a state of servitude. Denied any independence, forced, in order to engage in their new activity, to abide by the rules imposed by the "old hands", exposed to the pressures, untempered by any competing influences, of the morality and law of the "underworld", which are

neither the morality nor the law of lawful society, subjected by the procurer to a very effective discipline which metes out punishment with an (infrequent) admixture of reward, they immediately find themselves in a marginal situation and undergo a psychological conditioning such as may be experienced by someone living in community within a sect. When able to judge objectively, those women who have been able to escape from this environment realize that there they were deprived not only of their name, but of their very identity. A woman may also be sold by one procurer to another, as were slaves in the past and as is merchandise today. The relationship between prostitute and procurer, known to prostitutes in the West as "my husband" or "my man", is ambivalent: it is possible that the woman may find in the man, in spite of his brutality, both a husband and the father she never had in childhood. This does not alter the fact that the relationship is one of dominator and dominated, exploiter and exploited, master and slave. The restricted life of a house of prostitution, even when christened "Turkish bath", "sauna", "massage parlour" or "Eros Centre", is even harsher than that of the street corner. The Director-General of UNESCO, through his spokesperson at the Mexico City Conference of the International Women's Year, drew attention to the tortures sometimes inflicted on inmates. While it is true that not all are tortured, all are nevertheless subjected to the most degrading and destructive form of slavery.

36. It is easy to slide into prostitution. It is very difficult to escape from it. To free oneself from a procurer, it is usually necessary to pay him a substantial "fine", sometimes equivalent to a whole year's earnings from prostitution. If one has the courage to inform on him to the police, something which is forbidden by the law of the underworld, there is a risk of terrible reprisals: mutilation or even death. Those few prostitutes who are not controlled by a procurer do not find it much easier to break free of their environment, so profoundly have they been marked by it and so strongly do they feel themselves rejected (as in fact they often are) by the "normal" society to which they wish to return. It would not be an exaggeration to say that, if she is to be successfully reintegrated in that society, a prostitute requires heroic courage.

### C. International networks

37. The International Criminal Police Organization (ICPO or INTERPOL), an intergovernmental organization linked through a special arrangement with the United Nations Economic and Social Council and composed of the central criminal police bureaux of 134 States, prepared for its General Assembly of October 1975 in Buenos Aires a third report on the traffic in women. That report was published by Kathleen Barry as an annex to her book entitled Female Sexual Slavery (see annex VI.2). Parts of it were quoted by Mr. Benjamin Whitaker in his report (E/CN.4/Sub.2/1982/20; see annex III). On the basis of information received from the police in 69 States, the report identifies a number of international networks involved in this traffic: one flowing from Latin America to Puerto Rico and beyond, to southern Europe and the Middle East; one flowing from South-East Asia to the Middle East and central and northern Europe; a regional European market, in part supplied by Latin America and exporting French women to Luxembourg and the Federal Republic of Germany; one supplying some of the richer countries of West Africa from Europe; and a regional market in the Arab countries. The author of the

report did not have access to information from East Africa and does not mention the existence, noted by travellers through that region, of slave markets supplying the Middle East. More recently, the migration of African refugees to Europe has involved women who have been found working as prostitutes only a few months later. Family groups among migrant workers have also on occasion served as a cover for traffic networks. According to this incomplete information, few regions and few countries (with the possible exception of those with highly planned economies) are free of the international traffic in women, and that traffic is far from being confined to a flow from South (less developed) to North (more developed): it would be more accurate to say that the movement involves the traffic of poor women towards rich men in all directions. Through these well-disguised networks, not only adult women but even under-age girls are moved from one country to another.

38. In a very useful way, the replies to the annual questionnaire prepared by the Centre for Human Rights, although supplied by only a small minority of States, provide specific supplementary information concerning certain types of international traffic. For example, replies to question 10 were given, for the period 1975-1981, by three countries only: Spain, France, and Singapore. These replies have been summarized in a report on slavery (see annex VI.25), provided by the Centre for Human Rights to the Working Group on slavery for its eighth session in August 1982. They show that the traffic is often carried on under cover of what purport to be marriage bureaux or advertisements for jobs in touring stage shows. They give evidence of procuring networks supplying Geneva from Paris; Switzerland and the Federal Republic of Germany from Bangkok; Singapore from Malaysia and the Philippines; and Spain from France, Cape Verde, South America and the Philippines (109 young Philippine women aged between 16 and 28). Undoubtedly, if equally detailed replies were available from the other States, we would have a very clear picture of the methods and routes used in the traffic in persons. In particular, we would be able to verify and research in more detail the press reports cited by Mr. Whitaker (E/CN.4/Sub.2/1982/20, para. 17), indicating that South American prostitutes are shipped from Argentina to Melbourne, young Hawaiian and Californian women to Japan and Swedish women from Singapore to the Far East.

39. More conspicuous, and therefore easier to trace, is the other type of traffic which, instead of transporting the prostitute, temporarily transplants the client. This is the channel of the package tours ("sex tours"), in which the services of a prostitute are included in the price the tourist pays for his ticket. This specialized kind of tourism is grafted onto an existing prostitution market and develops it. Several women's associations and the Churches have denounced this traffic, which is a flourishing movement from the developed countries of America, Europe and Asia towards the countries popular with tourists in Asia, Africa and the Caribbean. In September 1980, in Manila, an international workshop on tourism, meeting with the dual sponsorship of the Christian Conference of Asia and the Confederation of Asian Episcopal Conferences (the report is cited in annex VI.15), adopted eight recommendations relating to prostitution. 13/ In July 1981, an international congress of theologians on "The Community of Men and Women in the Church", meeting in Sheffield (United Kingdom) under the auspices of the World Council of Churches, denounced the phenomenon of sex tours in an "open letter to Christians". In Stockholm, in November 1981, the World Council of Churches organized an international conference on the theme "The Church and Tourism", which

heard evidence from all regions of the world and put forward a moral code for tourists (for the report see annex VI.10). Alongside this activity by the Churches, joint action is being taken by the Asian Women's Association 14/ in the Republic of Korea, Japan and the Philippines: with the assistance of trade union organizations, demonstrations have been mounted in airports to coincide with the departure or arrival of "sex tours"; and a Third World Movement against the Exploitation of Women 15/ has been created among the ASEAN countries. In addition, the Asian Confederation of Women's Organisations 16/ discussed prostitution at its July 1982 meeting and took cognizance of a document submitted by the Philippines containing recommendations which were studied at the government level at the meeting of the Programme for Women of ANSEA held in Bangkok in January 1983. All these activities have led to a perceptible reduction in organized sex tourism in that region; but will that reduction be lasting? And what of the situation in other regions of the world, such as the Caribbean, where local resistance has not yet become organized? In any event, it is advisable to view this issue in the general context of the cultural impact of tourism. That was the approach taken by the group of experts which met in Vienna in September 1982 under the auspices of the Advancement of Women Branch, to discuss the issue "Women and the International Development Strategy". That group denounced the destructive effects on the local community and on the identity of women produced by the exploitation of prostitution for tourist purposes. In the view of the Special Rapporteur, such tourism is quite plainly the worst possible image of development which the industrialized countries could project. Together with erotic films, publications and advertising, it may, in the less developed countries where it is prevalent, provoke hostile reactions to development itself and prompt a return to discriminatory moral strictures which would be an obstacle to the much-needed emancipation of women.

40. The encouragement which the prostitution of young children receives from Western tourism has been highlighted by Mr. Tim Bond, a researcher with the "Terre des Hommes" association of Lausanne. In 1980 he carried out three surveys in two countries of South-East Asia, extending their scope to Europe, where he found on sale to the public publications providing information to paedophiles concerning the opportunities available to them among young boys from poor families in the big cities of South-East Asia and Africa. Mr. Abdelwahab Bouhdiba made reference to these facts in his report, mentioned above, to the Sub-Commission on Prevention of Discrimination and Protection of Minorities (see annex II). UNICEF gave them wide publicity in Ideas Forum. 17/

#### D. Observations on chapter I

41. To avoid making the text of this report too cumbersome, the author has not on every occasion cited the sources on which he has drawn in support of the facts being presented. These sources may be found in the list of the organizations consulted (see annexes IV and V), in the short bibliography (annex VI), which itself makes reference to other sources, in the reports of Mr. Bouhdiba (annex II) and Mr. Whitaker (annex III) and in the synopsis prepared by the Centre for Human Rights (E/CN.4/Sub.2/AC.2/1982/13 and addenda; see annex VI.22 (a)).

42. The Rapporteur has intentionally refrained from dealing with adult male prostitution in its various forms: homosexual, heterosexual, mixed (transvestite). He took the view that the Economic and Social Council, in stressing the traffic in women and children, did not consider these relatively recent forms of prostitution as being of the same degree of urgency. Furthermore, procuring, which is our priority concern, does not seem to be nearly as well organized in that field. However, that complex subject, which would entail study of the medical, social and legal aspects of the phenomenon of transsexuality, merits special consideration, perhaps jointly by the World Health Organization, the Centre for Social Development and INTERPOL.

43. Similarly, there are two issues, although associated, which have deliberately not been considered here: the selling of young girls into domestic service and the international traffic in young children for adoption. The traffic in young domestics was reported on by Mr. Abdelwahab Bouhdiba (see annex II, paras. 115 and 116). It is of interest to us in this context by reason of its potential consequences, for it can lead to the sexual exploitation of the children in the employer's family and later to their drifting into prostitution. From the point of view of its origins, however, it is more relevant to the programme being carried out by the International Labour Organisation to combat forced child labour. The international traffic in young children for adoption, which is also a form of traffic in persons, is in itself a subject which should be given separate treatment in a specific study. The Sub Commission on Prevention of Discrimination and Protection of Minorities stated specifically, in paragraph 14 of resolution 1982/15, "that a report on the causes and implications of the sale of children, including commercially motivated (and especially transnational) adoptions, should be prepared". 18/

44. In a largely clandestine field of this kind, precise statistics are unattainable. With the exception of a few countries, the only statistics available are those for cases prosecuted: these are no more than an infinitesimal part of the phenomenon being studied. As was noted already in the 1959 report,

"Statistical information ... does not reflect with any degree of accuracy the extent of the problem. In fact, the reported number of offences related to the exploitation of the prostitution of others is obviously greater in countries where all activities relating to the exploitation of prostitution are made punishable offences than in countries which do not punish such activities, or which punish only certain forms of exploitation. Furthermore, effective law enforcement may result in an increase in the number of the offences recorded although the actual number of the offences committed or attempted may not have been necessarily greater." 19/

In any case, the important point is not the scale of the phenomenon in terms of numbers but its degree of seriousness as a violation of the fundamental rights of the human person. In the terms of General Assembly resolution 32/130 of 16 December 1977, that violation is "mass and flagrant"; it therefore requires, in the words of the same resolution, "priority" attention from the international community.

45. The analysis given in the preceding pages deals with the overall machinery. It can justifiably be described as a machinery, for it is possible to discern a chain reaction of causes and effects. The reader is invited to adapt the information given to his or her own regional situation or specific national situation and may wish to forward comments to the Secretary-General of the United Nations and to the Special Rapporteur, if so desired.

46. But there would be no point in even an accurate description of the phenomenon of prostitution if an analysis of the situation was not followed by proposals for action. This will be the purpose of chapters II and III of this report.

## Chapter II

### NATIONAL POLICIES

#### A. The weight of opinion

47. It is clear that there will be no lasting change in respect of prostitution until collective attitudes begin to change. As long as the prostitute is regarded as a fallen and irredeemable woman and an outcast, the most altruistic individuals will pass her by and ignore her, and those who pride themselves on being enlightened will continue to believe that prostitution is a necessary outlet for those needs of man that cannot be satisfied by marriage. As to the procurer, it will continue to be believed that, although admittedly he is engaged in a most unpleasant profession, the police and the courts have other priorities.

48. It is, in fact, the very image of woman, who is too often regarded as a sexual object at the disposal of man, which must be changed. That is specifically requested of States in the Convention of 18 December 1979 on the Elimination of All Forms of Discrimination against Women (see annex IX). However, this image is still solidly rooted in most popular cultures, although in every culture religious leaders, social workers, political militants and writers are evolving and trying to communicate a better image of women. This false image is to be found first of all in the male mentality, but too often it is transmitted by the female mentality itself. The Director-General of UNESCO has made some very pertinent observations on this subject (see annex XI).

49. This report will not be of great assistance to the specialized non-governmental organizations, particularly women's organizations, which are already working courageously for the necessary change in attitudes. Perhaps, however, it will reach other organizations with broader objectives: those which protect human rights in general, family associations, associations of teachers and educators and associations concerned with the protection of children. The Special Rapporteur's aim is above all, in this second chapter, to stimulate and facilitate the thinking of international institutions and States. What stage have they reached in their thinking? Have they evolved a policy?

## B. The spirit of the Convention

50. The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (see annex VII) was adopted by the United Nations General Assembly on 2 December 1949 (resolution 317 (IV)). It was adopted by a fairly small majority, and only a minority of States (see annex VIII) has ratified it. Since 1949, however, the many resolutions referring to the Convention and inviting Member States to sign, ratify and implement it have been adopted by consensus. It may therefore be said that the Convention now reflects the philosophy of the overwhelming majority of members of the international community. What is this philosophy?

51. According to the Convention, prostitution and the accompanying evil of the traffic in persons "are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community". The abolition of prostitution is not specifically envisaged, however, and it is not considered to be a crime. Instead, the signatory States prohibit any law, regulation or administrative provision which discriminates against persons who engage in or are suspected of engaging in prostitution (art. 6). What is unlawful and punishable, however, is procurement (arts. 1 to 4). States must co-operate in suppressing it (arts. 7 to 15).

52. Why has the Convention, which entered into force on 25 July 1951, so far been ratified by only 53 States (see annex VIII)? It can only be assumed that, without being in basic disagreement with its philosophy, other States have not felt that the question is important and, therefore, have not yet wanted to take the trouble to change their legislation and regulations so as to bring them into line with the Convention.

## C. State practice

53. In the history of prostitution, jurists distinguish three successive or parallel trends: prohibitionism, regulationism and abolitionism.

54. The prohibitionist system, which exists under certain régimes with strict moral codes, prohibits prostitution and punishes the prostitute. However, it discriminates between men and women, since, at least as far as the Special Rapporteur is aware, it does not punish the client.

55. The regulationist system, on the other hand, tolerates prostitution, which is considered to be "a necessary evil". However, it regulates it for the sake of hygiene or decency in public places. The effect of such regulation is to relegate the prostitute to a marginal position and make it virtually impossible for her to escape. This is the policy of countries which allow or set up houses of prostitution. It was the general practice in colonized territories.



56. The most recent phenomenon, the abolitionist system, is the tendency reflected in the 1949 Convention. As has already been noted, under abolitionism although prostitution is considered incompatible with the dignity of the human person, it is not prohibited, for it is regarded as a personal choice, and hence a private matter; the aim, instead, is to abolish the exploitation of prostitution.

57. Prohibitionist legislation is difficult to enforce, if only because it forces prostitution into clandestinity. It is observed only in States in which the private life of citizens is subjected by the entire environment to rigorous moral censure and where any moral deviation is quickly brought to the attention of the authorities. As to abolitionism, it is not found anywhere in an unadulterated state: it is always associated with some degree of regulation. This can be explained fairly easily. Even a liberal State has to regulate any activity which poses dangers to society. Fishing, hunting, gambling and automobile driving are legal; nevertheless, they are regulated because of the dangers they may involve for nature or people, yet it is not claimed that such regulation encroaches on freedom. The same applies to prostitution: it cannot escape a certain degree of regulation motivated by concern for public hygiene (medical checks, which are not always imposed on the clients!) and decency (suppression of the crime of indecent conduct, prohibition of active soliciting) or the protection of the children (prohibition of loitering in the neighbourhood of schools).

58. Excessive regulation is always counter-productive. Since it necessarily involves the intervention of the police, it leads the prostitute to be considered and to consider herself as a criminal. Fleeing from the police, she seeks support elsewhere. Where can she find that support but in the underworld? Thus any regulation which is too strict further isolates the prostitute and, consequently, makes it even more difficult for her to be rehabilitated.

59. Under an abolitionist system, bearing in mind the dual concern to protect society and not further to isolate the prostitute, the possibility of registering and taxing prostitutes may be considered. The Special Rapporteur will confine himself to setting forth the arguments, without taking sides.

60. Registration is in principle prohibited by the Convention of 2 December 1949 (art. 6). Nevertheless, it does exist. Police officers responsible for the suppression of the traffic in persons consider it essential to their task. Since the crime of procuring consists of his mercantile relationship with the prostitute, he cannot be caught unless the prostitute is known and watched. Moreover, it is impossible to prevent an administration from maintaining records. The prostitute, however, considers registration as an indelible mark; she fears that its effects will be with her all her life. She asks at least that her name should be removed from the register if she abandons prostitution, and that it should be prohibited to reveal her past activity to a prospective employer.

61. Taxation, in a democracy, is levied on all citizens whose income is above a level determined by law. The earnings of prostitutes far exceed this level, even though the money earned merely passes through their hands and ends up in the pockets of the procurer. It is more difficult for the inland revenue service to recover tax from the procurer, who has more than one trick up his sleeve, than from

the prostitute, who is defenceless. Is taxation of the prostitute justified? Strict abolitionists oppose it, arguing that it amounts to recognizing prostitution as a profession. This objection is valid only if the activity producing the taxable earnings is specifically mentioned in the taxpayer's returns or in the assessment of her income by the inland revenue service. Another argument is that the State, by enriching itself from prostitution, is itself performing the function of procurer. This last argument is difficult to refute when demands for previous years are so high that the taxpayer, in order to pay, is forced to continue to engage in prostitution.

62. These two questions, among others, must be resolved by any State wishing to evolve a coherent policy on this matter.

#### D. A national policy

63. The first question which arises for a State is that of the objective to be pursued. Is it sufficient (the 1949 Convention requires nothing more) to combat the exploitation of prostitution, i.e. procuring? Or is it necessary to go further and aim, in the long term, to abolish prostitution itself? This is in part a false problem since combating the exploitation of an evil (whether alcoholism or drug addiction) necessarily limits the spread of that evil. It is clear that, if there were fewer procurers, fewer women would be trapped in the underworld, and more women would succeed in extricating themselves. Nevertheless, the fundamental question remains. A radical solution would not be acceptable to social workers and associations. The realistic answer, in the view of the Special Rapporteur, is to combat procuring, now and in the short term, while aiming in the long term at reducing actual prostitution. This is not Utopian, provided that economic and social inequalities between countries and within each country are lessened and women have access to a variety of properly paid jobs. Under these conditions it may be hoped that in the long term normal sexual needs (if not artificially exacerbated) will be satisfied in non-commercial relationships. The remaining needs, of a pathological nature (deviations), would then be treated by appropriate therapy.

64. If, in line with the philosophy of the 1949 Convention, these objectives are accepted, what would be the elements of a coherent national policy? In order to reply to this question, observations provided by countries themselves would have been useful. In particular, it would have been interesting to have information, rather than brief optimistic affirmations, on the extent to which a system of social equality and full employment succeeds in eliminating prostitution and its exploitation despite the persistence of other types of antisocial conduct which are manifested in other forms in the same society. The time available to the Special Rapporteur (the cause of the second omission in his report) did not allow him to approach the Governments of all Member States, and he did not wish to do so in a selective manner. It may be seen from the 1959 report that at that time seven countries had tried to formulate a programme of action by appointing a national committee to study the problem. 20/ Those countries were Burma, Denmark, India, Israel, Japan, Thailand and the United Kingdom of Great Britain and Northern Ireland. Since no additional information is available, this report cannot do

justice to the efforts made since then by the Governments of those seven countries. Since 1959, it would not appear, on the basis of the replies submitted to the annual questionnaire from the Division (now the Centre) for Human Rights, that other countries have in turn established similar committees. However, it is not possible to rely on those replies, since there are too few of them. It is public knowledge that at least two other States have recently carried out methodical studies of this subject: Sweden and France.

65. In Sweden, a committee of experts chaired by Mrs. Inger Lindquist, member of parliament, was requested by the Government in 1977 to prepare a study on prostitution. The committee's report, over 800 pages long, gave rise to a long debate in parliament and among the public. The report recommended two types of measure, the first type restrictive and prohibitive, and the second educational and supportive. Concurrently, from the end of 1977, an experiment was carried out by the municipality of Malmö, which closed the sex clubs and, by that measure and other measures, succeeded in bringing about a marked decline in prostitution. The Swedish Government provided financial support for the continuation of that experiment, which has already been extended to Gothenburg.

66. In France, the question of prostitution was posed in a dramatic fashion in 1975 when prostitutes at Lyon, in a protest against police and income tax practices, occupied several churches, and the movement continued in other towns. The Government then requested Mr. Guy Pinot, a member of the judiciary, to conduct an inquiry. His report served as a basis for the work of an interministerial group convened in October 1981 by the Minister for the Rights of Women. In April 1982, the group's conclusions were made available to interested associations. The Secretary of State for the Family, in turn, decided, at the beginning of 1983, to set up a second interministerial group on the subject of the protection of minors against exploitation by the pornographic industry and prostitution.

67. It would be useful if the Economic and Social Council were to invite all Governments, not simply at the time of the next annual questionnaire from the United Nations Centre for Human Rights, but preferably in an earlier separate letter, to indicate whether, within the context of the Government or Parliament, they have set up a body to carry out a global study of the problem of prostitution. This report could constitute one of the elements of that study. Already if the policies evolved in Sweden and France are compared, it may be noted that both share a common approach: mere suppression of procuring is ineffective unless accompanied by educational and social action. A member of the judiciary active in the suppression of procuring recently expressed his opinion as follows: if there is no effective machinery for rehabilitation, it is better not to expose the prostitute to the risks involved in denunciation of her procurer. More specifically, each of the two policies evolved by the two countries contain four principal elements forming an inseparable whole. These are: before prostitution, preventive measures; at the time of prostitution, elimination of isolating discrimination and suppression of procuring; after prostitution, assistance in rehabilitation. These are roughly the elements already recommended in the 1959 report. 21/ In developing them as a suggestion submitted for consideration by all Member States, the Special Rapporteur will use not only the known elements of existing national policies, but also the views expressed by the majority of social workers and competent associations.

68. Prevention means ensuring as far as possible equality of access for women and men to training and employment. At the same time, it means changing the image of women in the collective mentality by giving children moral and civic education in school, including education to promote mutual respect between men and women and preparation for family responsibilities. It also involves imposing limits on eroticism and suppressing pornography, whatever medium it employs: the press, films, video cassettes, sex shops, shows. It would be illogical to give free rein to what excites the senses, while condemning as immoral the means of assuaging that excitement. Since there are some intellectuals who defend paedophilia, and national legislation and judicial precedent do not punish this literary form of encouragement to vice, their influence must be combated by publicizing the findings of physicians and medical associations, which could be endorsed by the World Health Organization, on the lasting dangers to children's minds and bodies caused by sexual acts imposed on them by adults, and the social cost of such trauma. Prevention also involves informing parents and increasing the number of teachers in open environments: youth clubs, sports clubs, health clubs. As Mr. Abdelwahab Bouhdiba has noted on the subject of the exploitation of child labour and the prostitution of children, information and sensitization of public opinion will long remain the most effective means of all in-depth action. 22/

69. Elimination of discrimination means abolition of sexist discrimination in general and also of discrimination which places prostitutes in a marginal situation. It means not treating them as criminals - an attitude which (in addition to being incompatible with the 1949 Convention) maintains their dependence on the world of procurers, which is the world of crime, and makes their social rehabilitation more difficult. The question of registration, referred to above (para. 60), arises in this context. If a Government or a municipality wishes permanently or temporarily to prohibit soliciting in public places on the ground that it is an offence against public order, decency or tranquillity, prostitutes should not be punished unless clients are too. Once a violation has been established and a fine imposed, there should not be any registration.

70. Suppression of procuring means threatening it under the law with sufficiently deterrent penalties (at least five years in prison - the time it takes, according to former prostitutes, for a woman working for a procurer to regain her taste for freedom), and effectively prosecuting procurers (prosecution 1 time out of 10 is not a deterrent). It means prosecuting not only the pimp but all forms of procuring, including classified advertisements in the press. The exploitation of child prostitution must be punished even more severely, at least to the same degree as the crime of sexual abuse of a minor. In order both to prevent and to suppress the exploitation of prostitution, it is recommended that more women should be employed as police officers. This was one of the recommendations of the 1959 report. 23/

71. Promotion of the rehabilitation of prostitutes who gain their freedom involves, as already noted, recruiting more women to police forces, or at least to vice squads, expanding reception centres in hostels and in open environments, both public and private, making appropriate vocational training courses widely available to such persons, ensuring that their past is not revealed to prospective employers, and helping them to find work. In this connection, the attention of developing

countries is drawn to the possibility of preparing a project for the rehabilitation of women engaged in prostitution in poor areas, for consideration by the Voluntary Fund for the United Nations Decade for Women. According to a note from the United Nations Secretary-General addressed to the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 17 June 1982, this project should be formulated with the assistance of the United Nations Development Programme or the regional commission and transmitted for evaluation to the Centre for Social Development and Humanitarian Affairs (Advancement of Women Branch) before being submitted to the Consultative Committee on the Fund. This procedure, if followed by several countries, would require a replenishment of the Voluntary Fund, since its resources are running out. It does not preclude direct use, in accordance with the normal procedure, of the resources of the United Nations Development Programme. Already in 1976, this Programme, in liaison with the Centre for Social Development and Humanitarian Affairs (Crime Prevention and Criminal Justice Branch) financed an expert study and training fellowship for one student, at the request of an African country. It would presumably finance larger projects. Naturally an appropriate arrangement for rehabilitation requires a certain level of investment, but perhaps less than might initially be thought. A survey made in a country in West Africa 24/ shows that 13 per cent of the women engaged in prostitution in the capital would be prepared to abandon that practice if they could obtain a sewing machine. Is it beyond the capacity of a State, with the assistance of international solidarity, to meet such a request?

#### E. The role of associations

72. No national policy to combat the exploitation of prostitution can be implemented solely with State means; associations must also be included in this endeavour. Associations have considerable knowledge about the field and frequently maintain close contacts with prostitutes themselves. Associations can also take risks and can thus uncover and venture to reveal unacceptable situations, which the authorities must then take into account.

73. In addition to humanitarian associations and charities, two types of association deserve special attention. The first is dedicated to the prevention of prostitution and to the rehabilitation of prostitutes. These associations are generally composed of former prostitutes and run by them. In seeking to free their former comrades, these activists are by definition highly motivated and are well-equipped through their experience in the field to prevent prostitution and to help to rehabilitate other prostitutes.

74. The second type of association is similar to a corporate body of prostitutes still engaged in their profession. At first sight, these associations may seem shocking in that their aggressiveness is directed primarily against the authorities. Some observers feel that, since procurers tolerate them, they are in fact serving the procurers' interests. However, others feel that, by learning how to organize and express themselves, to become familiar with their rights and obligations and to analyse different situations, the prostitutes involved in the second type of association gradually acquire a degree of autonomy which, sooner or later, will enable them to free themselves from the world of crime. Trusting in

the benefits of life within an association, the Special Rapporteur tends to share this optimistic view and to recommend that such associations should be granted recognition and even assistance, provided that they do not call for prostitution to be recognized as a profession.

### Chapter III

#### INTERNATIONAL CO-OPERATION

##### A. Its importance and conditions

75. The world-wide existence of prostitution and of international networks dealing in the traffic of women and children highlight the urgent need for international co-operation specifically in this field, not only so as to enable Member States to compare their national policies but also to organize joint action.

76. Economic poverty, particularly in disadvantaged rural areas and in the poor urban suburbs created by the rural exodus, has been recognized as the most common reason why women and children (the latter sometimes with the complicity of their parents) fall into prostitution. Accordingly, the Programme of Action adopted by the World Conference on Agrarian Reform and Rural Development, held at Rome from 12 to 20 July 1979, 25/ is particularly relevant. As part of its programme for the integration of women in development, the Food and Agriculture Organization of the United Nations followed up this Conference with the elaboration of the "Community Action Programme for Disadvantaged Rural Women". The projects included in this Programme focus on increasing food production and income-earning activities. Projects have been initiated in Kenya, Mexico, Sri Lanka, the Sudan, the Yemen Arab Republic and Zambia. 26/ The needs and the situation of children in rural areas are also among the problems FAO has dealt with as part of the follow-up to the Conference. More generally, it is clear that progress in the context of the International Development Strategy for the Third United Nations Development Decade and the establishment of a new, more equitable international economic order would spare many people the need to resort to prostitution in order to survive. However, the expectation of these still uncertain and distant improvements should not relieve Governments of their obligation immediately to take any measures currently within their means. Using anticipated long-term results as an excuse for neglecting present duties would constitute failure to assist a person in danger, which some criminal laws categorize as a crime.

77. Consequently, in view of present circumstances, international action should be organized immediately in order to establish exchanges of reliable information, to familiarize people with the tactics of procurers, to identify the networks they use and to pool the experience States have already acquired in the field of prevention and rehabilitation. One State alone cannot defend itself against the exploitation of prostitution; all States have a stake in such co-operation. Of course, co-operation may to a certain extent be conducted through bilateral channels: as soon as a Government learns that a flow of prostitutes is arriving in its territory, either in transit or for a lengthy period of time, it should immediately ask the Government of the country of origin to investigate the matter. Identifying

the criminal and letting him know that his illegal tricks and tactics are no secret will already intimidate him, protect his potential victims and deter his accomplices. However, such co-operation may be conducted even more effectively through the competent international agencies, especially if they agree to co-ordinate their efforts in a disciplined manner with a view to a particular goal. Naturally, such co-operation requires perfect honesty in the exchange of information. However, the majority of Governments have thus far seemed somewhat reluctant to communicate information to the United Nations Centre for Human Rights or to INTERPOL, probably fearing that they will give their country an unfavourable image. Such reluctance is, however, unfounded: it has been clearly established and accepted by the international community that, in the field of human rights, no country is innocent and every country still has room for improvement. A Government can be proud of facing reality, of not covering it up, and of using every possible means, including sincere international co-operation, in order to remedy a situation.

78. If a Government agrees to acknowledge and to provide information about very distressing situations and if it co-operates openly with the competent international agencies, it can then rely on international solidarity. For example, in grappling with the production and illegal traffic of narcotics in their territories, the developing countries have been able to obtain substantial assistance from the international community to reconvert that sector of their economies. Similarly, these same States and others should be able to obtain United Nations co-financing for projects designed, for example, to establish a system of easier credit and to provide new opportunities for income-earning work with a view to relieving the indebtedness of poor families in deprived rural areas who feel that, in order to pay off their debts, they have to sacrifice a member of the family to prostitution. Any Government that prefers not to tamper with this sector of the economy, either because prostitution is a tradition or because, through tourism it brings in foreign currency, should carefully examine the social price that its country pays for prostitution in terms of health, fertility and the deterioration of public morals.

#### B. Within the United Nations system

79. In the inquiry he conducted among organizations, the Special Rapporteur tried to identify which organizations were best suited to which activities, starting with organizations in the United Nations system. For each of the organizations discussed below, a brief summary will be given of its recent activities, if applicable, of its current activities and of the additional activities it might pursue in future. Each organization will be listed, not strictly in accordance with protocol, but starting with its purpose and ending with the authority responsible for co-ordinating its activities.

80. The United Nations Centre for Human Rights serves as the secretariat for the Commission on Human Rights, for the Sub-Commission on Prevention of Discrimination and Protection of Minorities and for its subsidiary bodies, one of which, the Working Group on Slavery, is of particular interest in this discussion. Each year, the Centre also provides an essential service by distributing to Member

States (whether or not they have acceded to the 1949 Convention) a questionnaire 27/ on the status of efforts to combat the traffic in persons and the exploitation of the prostitution of others. The Working Group prepares a summary of the replies received, question by question. Obviously, the value of the summary depends largely on the number of States that respond, and thus far the number has been quite insufficient. The Centre also sends letters to several intergovernmental agencies and to some 60 non-governmental organizations. The World Tourism Organization and the additional non-governmental organizations listed in annex V of this report should be added to the list of recipients of such letters. The Centre sends out the questionnaire and letters towards the end of November and requests that replies should be returned before 1 March. If the replies were actually received by that time, they and the summary could be distributed to Member States several months before the annual meeting in August of the Working Group on Slavery. No doubt, its debates would then be attended by a larger number of Governments and would be richer in substance.

81. The Working Group on Slavery is the body that takes note of the summary the Centre prepares of the replies received from Governments in response to its questionnaire and of the contributions submitted by intergovernmental agencies and non-governmental organizations. It also hears oral statements by non-governmental organizations and receives their written statements as well. The Working Group is a subsidiary body of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and is composed of five members, who are appointed by the Sub-Commission on the basis of geographical distribution. At present, it includes only one woman. In order to remedy this situation, the Commission on Human Rights could recommend that the Economic and Social Council authorize the Sub-Commission to appoint a sixth expert. This expert would be a woman chosen from a list submitted by the United Nations Centre for Social Development and Humanitarian Affairs (Advancement of Women Branch), with which an additional link would thus be established. In general, the Working Group devotes three of four half-day meetings during its five-day annual session to the question of prostitution, which in 1982 accounted for one of its six agenda items. In other words, very little time is devoted to such a tragic and complex problem. Accordingly, the Special Rapporteur supports two of the suggestions made by Mr. Whitaker with a view to strengthening the Working Group. The first is to expand the staff of the United Nations Centre for Human Rights dealing with this subject which, with the assistance of several correspondents, must keep its documentation up to date. This recommendation has already been incorporated in resolution 1982/15, paragraph 5, of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. 28/ The second suggestion is to enable the Working Group, during its annual session, to grant hearings to social workers and representatives of competent associations who live in distant countries. In order to do this, it would merely need to have sufficient funds to cover the travel and subsistence costs of the experts and witnesses who take part in the Group's meetings.

82. The Commission on Human Rights considers the draft resolutions that the Sub-Commission transmits to it on the basis of the recommendations made by the Working Group on Slavery in its report. Some of the draft resolutions are transmitted to the Economic and Social Council for adoption. The Commission may also recommend that, in accordance with a Sub-Commission resolution (resolution 1982/15, para. 6), the Secretary-General should organize, in the context of the



United Nations programme of advisory services, international or regional seminars "with a practical orientation" to study different aspects of prostitution and of its exploitation. Such seminars could, for example, focus on the following subjects: sexual tourism, the international production and sale of pornography, disguised forms of trafficking (under cover of marriage bureaux, touring theatre companies, etc.), prostitution networks using migrations of workers, methods employed in different States to prevent prostitution and to rehabilitate persons freed from prostitution. Government experts, the Centre for Social Development and Humanitarian Affairs, other international agencies and the competent non-governmental organizations should of course also be included in these seminars. The regional commissions would help to organize the regional seminars, as is suggested in paragraph 88.

83. The Centre for Social Development and Humanitarian Affairs is the Vienna body of the Department of International Economic and Social Affairs. It has the advantage of incorporating several services, divisions and units, which can each contribute to a multidisciplinary examination of any social question with a view to evolving an overall approach to the situation in question and identifying possible international and national strategies. The Centre is responsible for studying the social aspects of the International Development Strategy for the Third United Nations Development Decade. General Assembly resolution 35/56 of 5 December 1980 defined the Strategy and stated (para. 8) that "The development process must promote human dignity. The ultimate aim of development is the constant improvement of the well-being of the entire population". In this context, a "substantial" improvement in the status of women is expected to take place during the Third Decade. The Social Development Division, whose tasks include providing secretariat services for the Commission for Social Development, plays a role in this connection through each of its three branches: the Social Integration and Welfare Branch, which deals primarily with services for families and children and the welfare of migrant workers and their families; the Youth, Aging and Disabled Persons Units; and the Crime Prevention and Criminal Justice Branch. This paragraph will deal with only the first of these three branches and with part of its work programme. It may be noted that any study of worker migrations reveals three aspects of prostitution:

(a) Like soldiers in a foreign country, migrant workers who are not accompanied by their families create a new market for prostitution or expand an existing one;

(b) If a migrant worker does not regularly send part of his salary back to his family in his country of origin, the mother may have to prostitute herself or one of her children to ensure the family's survival;

(c) Young women who emigrate as workers or to join a real or fictitious husband working abroad sometimes fall into prostitution, either immediately or shortly after their arrival. In some cases, procurers use the migration of workers as a network for their trade.

84. The Crime Prevention and Criminal Justice Branch is the continuation of the Social Defence Programme of the Department of International Economic and Social

Affairs. In 1958, this Programme prepared the Study on Traffic in Persons and Prostitution, which was published in 1959. 29/ Since 1974, when the Economic and Social Council established the Working Group on Slavery as a subsidiary body of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, this Group has been responsible for combating the traffic in persons and the exploitation of the prostitution of others. However, the Crime Prevention and Criminal Justice Branch, which provides secretariat services for the Committee on Crime Prevention and Control, continues to deal with this problem in its research on the changing trends of criminality, particularly in the context of development because, as was indicated earlier, procuring is carried out in the world of crime and is often related to other forms of criminality. Accordingly, in 1976 the Branch played a leading role, together with other agencies, in preparing a United Nations Development Programme project for a particular African country. This project included the sending of an expert and the provision of training abroad for an official of that country in the field of prostitution prevention and the rehabilitation of prostitutes. The Copenhagen Conference had invited the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders "to make concrete recommendations in regard to the relationship between development, prostitution and exploitation and the traffic in persons". 30/ The Congress, held at Caracas from 5 August to 5 September 1980, did indeed discuss the criminogenic effect of foreign cultural patterns on the female population (para. 49 of the report). It heard the opinion (para. 24) that research should concentrate on the question of compensation due to the victims of crime. The Congress considered (paras. 158 to 167) the question of abuse of power, particularly in the economic sphere (corruption, exploitation of migrant workers ...) and noted (para. 169) the need for reparations and compensation to victims. Resolution 9, dealing with the specific needs of women prisoners (a resolution which is of interest to countries where the law, unlike the 1949 Convention, does consider prostitution as an offence) requests future Congresses, as well as the Committee on Crime Prevention and Control, to devote suitable attention in their work to women as victims as well as offenders. At its eighth session, to be held in 1984, that Committee will have this report before it. It will also consider a report by the Secretary-General, to be prepared by the Crime Prevention and Criminal Justice Branch, on the role of criminal justice in discriminatory treatment against women, as victims and as offenders. This report will undoubtedly be one of the working documents of the Seventh Congress. This Congress will be held in 1985, coinciding with International Youth Year and the last year of the Decade for Women. Item 3 of the provisional agenda relates to "Youth, crime and justice" and item 4 concerns "Victims of crime". Under the latter item, the Congress will consider abuse of power, exploitation and violence, particularly as directed against so-called "vulnerable" groups, which include women. The Special Rapporteur hopes that future working documents will no longer use the terminology, still encountered on occasion, which refers to prostitution as a "victimless crime". Actually, according to the letter and spirit of the 1949 Convention, prostitution is neither a crime nor an offence, but the exploitation of prostitution is a crime which produces victims.

85. The Advancement of Women Branch which, inter alia, provides secretariat services for the Commission on the Status of Women, is the United Nations body principally responsible for promoting equality between men and women and the

participation of women in development. It regards prostitution as the very symbol of collective and individual failure. Therefore it wishes to contribute to its prevention. In his oral progress report provided at the twenty-ninth session of the Commission (25 February to 8 March 1982) in response to the request of the Copenhagen Conference, the Director of the Branch said that he would favour the idea of a central body to co-ordinate all the information and studies required to tackle all aspects of the problem of prostitution. Because of its limited resources, the Branch itself could not play such a role. Its specific contribution, along with that of the Centre for Human Rights and the Crime Prevention Branch, was to examine the economic, social, cultural and psychological aspects of prostitution, dealing with various economic phenomena involving both the underdevelopment of certain areas and the social consequences of different economic systems, and dealing also with the collective attitudes, the ideologies and beliefs underlying human relations in the different types of society existing in the world today. Thus, the expert group convened by the Branch at Vienna in September 1982 on Women and the International Development Strategy condemned, as stated in paragraph 39, certain adverse effects of tourism, particularly those involving the exploitation of prostitution.

86. The Commission on the Status of Women has in the past played a key role in prompting action against this problem, putting the question on the agenda of the Copenhagen Conference and, in 1981, requesting the Secretary-General, through the Economic and Social Council, to appoint a Special Rapporteur. As the Preparatory Committee for the 1985 United Nations Conference to Review and Appraise the Achievements of the United Nations Decade for Women, the Commission could hardly fail to include in the provisional agenda of that Conference an appraisal of the action or lack of action by international agencies and Member States to combat the traffic in women.

87. The Division of Narcotic Drugs, which services the Commission on Narcotic Drugs and carries out the responsibilities entrusted to the United Nations Secretary-General by the international conventions relating to narcotics control, has no direct interest in the subject under discussion. However, it constantly encounters prostitution and the exploitation of prostitution both at the level of procuring and at the level of actual prostitution. Within the same national or international drug network, the profits from prostitution are combined with the often even more substantial profits from traffic in narcotics and the illegal arms trade. The latter trade is motivated sometimes by a simple desire for profit on the part of the seller, but sometimes also by the subversive aims of a terrorist organization. As far as the prostitute is concerned, she may become involved in drugs in many unplanned or organized ways. Someone already dependent on narcotics will become a prostitute in order to obtain the money needed to buy the same drug or a stronger one. A prostitute will acquire the drug habit through contact with a client who regularly uses drugs (as is the case, sometimes, among members of armed forces in a foreign country). A new prostitute will resort to drugs in order to be able to continue an activity that she finds physically distressing or repugnant. She might be drugged without her knowledge by the procurer, or even by the client. She might also be used by the trafficker as a distributor and receive free supplies of drugs if she sells some to other people. Given the knowledge which the Division of Narcotic Drugs possesses about such practices, their development and

geographical coverage, the organizations and branches concerned about the traffic in persons would benefit greatly from a direct exchange of information and analyses with the Division. The Division should, moreover, maintain a permanent link to the focal point chosen by the Economic and Social Council. Finally, with respect to the vulnerability of young people to drug addiction and the trade in narcotics, the Division has drawn up preventive strategies 31/ which could be used as a basis for national preventive strategies, inside and outside schools, against prostitution and the exploitation of prostitution.

88. The regional commissions for Africa, Latin America, Western Asia and Asia and the Pacific are all concerned by this problem, which is of massive proportions in those regions. During the World Conference of the United Nations Decade for Women, at Copenhagen (1981), the representatives of the Executive Secretaries of the four commissions stated that, since the Mexico City Conference (1975), the commissions had created or reinforced institutional arrangements, both at the intergovernmental and at the secretariat levels, for conducting regional intergovernmental consultations and promoting research and analysis concerning women and development, for sponsoring training activities and for assisting in the establishment of regional centres for training and research in cases where the need for such institutions had been established by the member Governments. 32/ The commissions, they stated, were capable of supporting at the regional level, the implementation of the Programme of Action for the second half of the United Nations Decade for Women. 33/

89. The United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and several United Nations specialized agencies (including the International Labour Organisation and the World Health Organization) engage in field activities which enable their delegates and experts to be the unfortunate witnesses of situations which cause or favour prostitution and make it easy for procurers to exploit it. It would be useful for these delegates and experts to receive, before they left, at least some brief documentation on the subject. The present report could be used for that purpose. Moreover, UNICEF, the Office of the United Nations High Commissioner for Refugees and the specialized agencies should not simply reply once a year to the annual letter sent to them on the subject by the Centre for Human Rights. They should volunteer to the Centre any information which might be of interest to it, as such information comes to light, whether it involves work undertaken at headquarters or observations made in the field.

90. The United Nations Children's Fund, when it offers to co-operate with Governments on behalf of children, is not concerned only about their health but also about their education and the protection of children against any exploitation. It thus assists the Centre for Human Rights in promoting the Rights of the Child as proclaimed by the General Assembly in its resolution 1386 (XIV) of 20 November 1959 (see annex X). The Fund is also taking part in the drafting of an international convention on the rights of the child. During the International Year of the Child (1979) and in its ongoing programmes, it has collected a great deal of information on the exploitation of children, particularly for the purposes of pornography and prostitution; some of this information was published in supplement No. 16 to Ideas Forum (1981). In November 1982, it organized, together with the

Interparliamentary Union, an African Conference on the Child, held at Yaoundé. The Conference noted the growth of juvenile prostitution, it addressed 11 recommendations, including many on this subject, to African Governments, and drew their attention to the Convention on the Civil Aspects of International Child Abduction 34/ adopted by the Hague Conference on Private International Law at its fourteenth session, in October 1980. In Latin America, UNICEF has a representative specially responsible for encouraging work on the problems of children who have no family. It is also represented by an observer in the "Street Children and Street Youth" programme (see para. 102). This shows that the Fund is prepared to participate in any public or private, national or international effort to improve the protection of children against moral dangers and the physical abuses to which increasing numbers of them are exposed.

91. The Office of the United Nations High Commissioner for Refugees endeavours to provide a permanent presence in refugee camps, with the assistance of non-governmental organizations, to the expenses of which it sometimes contributes. In all cases, it draws to the attention of national authorities those practices that it feels violate the rights of refugees. It is self-evident that the practices denounced include any sexual exploitation of refugees that may occur. After General Assembly resolution 35/135, adopted on 11 December 1980, had recognized the particular vulnerability of refugee and displaced women to intimidation, exploitation and violence, and had requested States to co-operate with the Office of the High Commissioner to protect women and children, the High Commissioner appointed a co-ordinator for all questions relating to women, gave the necessary instructions to his field workers and decided to conduct studies. The co-ordinator is the chief of the Social Services Section. Several research projects have been drawn up by the secretariat and will be submitted for the approval of the Executive Committee of the Programme. The Office of the High Commissioner advocates self-sufficiency measures as the best way of protecting refugee women against exploitation. With the assistance of its executing agencies - particularly non-governmental organizations - the Office of the High Commissioner has carried out many projects along those lines. The Special Rapporteur suggests that the Executive Committee of the Programme, when it examines these projects and programmes, should try to assess their short-term scope and to provide a reply, as far as the immediate situation is concerned, to the question asked by the Special Rapporteur: is arranging refugee movements by women and children the wisest course to take if there is a danger that they might fall immediately into the clutches of procurers?

92. The International Labour Organisation, as it deals with poverty and underemployment, encounters prostitution in many of its activities. In its surveys on rural development and on employment, it notes that, in many developing countries, among the poorest rural inhabitants, the prostitution of one member of the family in town is regarded as a means for the survival of the entire family. Some young girls thus emigrate to towns as soon as they are 12 years old. 35/ The "women at work in rural development" programme, which emerged from the World Conference on Employment (1976), analyses these situations and proposes remedies. It attempts to encourage rural development projects with the assistance of rural women's organizations. Within its vocational retraining programme, ILO, which until now has been mainly involved with disabled persons, could identify the types

of vocational training to be made available to people who break away from prostitution. ILO also encounters prostitution in its surveys on child labour. In particular, as Mr. Bouhdiba noted in his above-mentioned report, the work of girls in domestic service leaves them open to sexual abuse in the short term and, later, to prostitution. In addition, research conducted with the assistance of the United Nations Fund for Population Activities 36/ shows that, in some countries, children become prostitutes often with the complicity of or even under pressure from their parents. Finally, in its research on international migration of workers, the International Labour Office notes that girls from developing countries are often taken in legally or illegally by families in developed countries and exploited by them, as domestic servants or in other ways, so that they escape to become prostitutes; or that girls are the victims of misleading employment contracts which, while appearing to offer them jobs in artistic companies or in restaurants, lead them to places of organized prostitution; or, yet again, that girls who stayed in their country marry emigrating workers solely to obtain the visa which will enable them to work as prostitutes in the host country. ILO could draw the attention of management and labour and of Governments to these particular aspects of worker migrations. These examples show that the organization, which is concerned about the basic rights and essential needs of workers and about trade union freedoms, is capable, through its current activities, of supplementing the information available to the Centre for Human Rights and the United Nations Centre for Social Development and Humanitarian Affairs about prostitution and the exploitation of prostitution, and of contributing towards finding a cure.

93. UNESCO has, since its founding, been combating discrimination against women as well as racial discrimination: in both cases the fundamental rights of the human person are violated. The chief of the UNESCO Division of Human Rights and Peace was chosen by the Secretary-General of the United Nations to be the co-ordinator of preparations for the first World Conference of the International Women's Year. At that Conference, (Mexico City, 1975), the spokesperson for the Director-General, after having spoken of the need to fight sexism, denounced on his behalf the torture and other inhuman and degrading treatment of prostitutes in the professional establishments where they are virtually prisoners for life. Apart from these extreme cases, the secretariat of UNESCO considers that prostitution in general and the exploitation involved are revealing of the image of woman held in the collective thinking of society. At the Copenhagen Conference (1980), the Director-General developed this argument, as reported in annex XI. The medium-term plan (1984-1989) adopted by the General Conference at its fourth extraordinary session (November 1982) notes for its part "the persistence of images and stereotypes handed down by centuries-old tradition, which influenced the attitudes and behaviour of women as well as men, and helped to perpetuate the domination of one sex over the other". 37/ It considers that "an image of women that is truly consistent with reality has yet to be created" 38/ and that both education and the media and cultural industries must work towards that goal.

94. The school "is the place above all others where the cultural heritage of each people can be transmitted and perpetuated, while it simultaneously paves the way for social renewal by inculcating the attitudes and aptitudes that people need in order to take part in change and to master it". 39/ Moreover, "there is a widely-felt need to give civic and moral education, or give them back, their

rightful place". 40/ The programme of ongoing activities 41/ already envisages contracts for nation-wide studies on the image of woman and man in primary and secondary school textbooks and in children's literature, the results of which will be publicized in order to eliminate stereotypes of the roles of the two sexes. Moral education of which civic training is an extension, has been the focus of several UNESCO activities, one of the more recent being the international Meeting of Experts on Educational Institutions and Moral Education in the Light of the Demands of Contemporary Life (Sofia, April 1978). The incontestable crux of moral education, in the view of the Special Rapporteur, is education in respect for and promotion of human rights. It necessarily includes education against racism and for peace. When broadened into an overall educational project in educational institutions, moral education encompasses respect for nature, protection of the environment and receptiveness to development problems. It must necessarily also be education against sexism (a form of racism), that is, education in mutual respect between men and women, respect for the body and for life and for future family responsibilities. As part of the medium-term plan and as of now, UNESCO should follow up the International Conference on the Teaching of Human Rights (Vienna, September 1978), by calling on member States and organizations of teachers and educators to renew their thinking on the subject. As suggested by the experience of preventive education against the use of drugs (see para. 87 above), specific information should be given on procuring.

95. The moral values inculcated in children at school are, however, too often opposed by what has been called "the parallel school", that is, by the information and communications media. For example, stereotypes that debase women and present them as being destined for the physical pleasure of men are projected by magazines, advertising and the various cultural industries. UNESCO is therefore anxious to arm children against manipulation of their minds by the media. "It might henceforth be one of the essential functions of educational institutions", states the medium-term plan, 42/ "to help young people to bring their critical faculty to bear in selecting and sorting the messages spread abroad by the communication media". This will be the aim of one of the subprogrammes, entitled Education and communication. 43/ The question is raised (in para. 14024) of "ways of inducing the media to adopt a presentation of women and their concerns that is more consistent with reality and with women's rights, needs and interests". The document leaves the question open. However, one of the subprogrammes 44/ states expressly that special interest will be paid to research on the influence of the media on the image of women in different societies and the contribution the media might make to improving the status of women. Another subprogramme that also comes under the major programme for Communication in the service of man is concerned with the contribution of the media to promoting equality between men and women and also with expanding access to communication by women and their participation in communication. This subprogramme reflects a will to make communication more democratic and to make the media more equitably reflect the role and place of women in society and their contribution to solving the major problems confronting mankind. If nevertheless professional circles cannot or will not elaborate and enforce their own code of ethics, they must be made aware of the fact, in the view of the Special Rapporteur, that an absence of self-discipline sooner or later compels the authorities to intervene. It is his considered opinion that UNESCO's responsibilities, particularly with regard to women and children, and the moral

credit it enjoys, authorize its General Conference to invite member States, and through them those in charge of the media, to recognize the necessary distinction between the erotic and the obscene, and to declare war on pornography at least, which is most likely to defile the female body and which, by separating sexual relations from affective relations, puts them at a less than human level.

96. The World Health Organization naturally encounters prostitution in the course of its programmes to control the spread of sexually transmitted diseases (STD - previously known as venereal diseases). These programmes, operated by the Bacterial and Venereal Infections Service, give considerable attention to prostitution and its medical, social and economic consequences for various reasons.

(a) While it is true that, in most industrialized countries, female prostitution is responsible for male STDs in only 5 to 6 per cent of cases, generally this percentage may, in the same countries, be much higher for certain groups (port workers, emigrant workers, etc.). In the less developed countries, and in conditions of poverty generally, prostitution plays a major role in the transmission of these diseases.

(b) In less industrialized countries in Asia and Africa, professional or occasional prostitution is the major cause of STDs.

(c) In many of these countries, child prostitution, both male and female, is the most alarming human aspect of this state of affairs.

(d) The medical consequences of STDs are extremely serious and lead to acute pelvic complications resulting in irreversible infertility, a more frequent occurrence the younger the age at which the STD was contracted. Thus the WHO Bacterial and Venereal Infections Service is trying to develop in these countries programmes for regular - and even systematic - monitoring and treatment of prostitutes within the general framework of the STD control programmes. The Maternal and Child Health Unit and the Mental Health Group work together to measure the extent of the physical and mental damage sustained by those enslaved to prostitution and its social cost to the community, in terms of reduction in fertility and consequently in manpower for development, and often a subsequent life of crime. These two Units are prepared to work with the Governments concerned and the non-governmental organizations approved by the Executive Board in developing policies to prevent sexual abuses and the diseases or psychological damage they cause. The Maternal and Child Health Unit promotes training and disseminates publications intended for those teaching at both the university level and at the level of health manpower training. However, the campaign against prostitution and its physical and mental consequences, particularly among boys and girls, should not be restricted to a medical approach, whether preventive or curative, necessary though it may be: the campaign must develop rehabilitation programmes, as has been done in some countries, and such programmes require concerted action by United Nations specialized agencies, non-governmental organizations and member States. WHO is, accordingly, represented by an observer in the inter-NGO programme "Street Children and Street Youth" which will be discussed in paragraph 102.



97. The World Tourism Organization, which is linked to the United Nations and the United Nations Development Programme under agreements of 22 November 1977 and 15 May 1976, has as its aim (art. 3 of its statutes)

"The promotion and development of tourism with a view to contributing to economic development, international understanding, peace, prosperity, and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion". 45/

The World Tourism Conference, held at Manila from 27 November to 10 October 1980, adopted a Declaration which states that "in the practice of tourism, spiritual elements must take precedence over technical and material elements. These are:

(a) The total fulfilment of the human being ...

(d) The liberation of man in a spirit of respect for his identity and dignity". 46/ The theme of World Tourism Day (27 September) in 1982 was: For the dignity of travel: know how to be a host, know how to be a visitor. The draft Tourism Charter (addressed to States and through them to operators) and the draft Tourist Code, which will be submitted for approval to the General Assembly in October 1983 at New Delhi, are intended (art. IV) to promote tourist awareness and to facilitate contacts by visitors with the host communities for the purpose of mutual understanding and enrichment; it recognizes (art. VII) the right of populations constituting the host communities to understanding and respect from visitors; it invites tourists (art. XIII) to respect the established order in political, racial, moral and religious matters. Informed of certain practices known as "sexual tourism", the Secretary-General intends to propose to the General Assembly, after consulting the regional commissions of the organization, an amendment to the draft inviting operators and tourists more explicitly to refrain from any encouragement of prostitution. In addition, the programme of activity to be approved by the General Assembly could supplement the 1976 study on the economic effects of tourism on development by a seminar on the cultural and social consequences of tourism for developing countries. This inter-agency seminar, for the Governments of the 105 member States and for professionals affiliated to the organization, which would be open to competent non-governmental organizations, could respond to the concern expressed by Pope John Paul II on the occasion of his visit on 2 November 1982 to the headquarters of the Organization. After mentioning the dangers inherent in the expansion of the phenomenon of tourism, he said that it was necessary to go beyond those negative aspects in order to promote the potential positive values of tourism, notably by appropriate training for both the tourist and the tour organizer, to whose honesty and ability the tourist entrusts himself. The seminar, without ignoring the positive aspects of tourism, could examine the risks which tourism may entail for the cultural identity and moral values of the populations visited. It could refer in particular to the work of the Ecumenical Council of Churches mentioned in paragraph 39 of this report and the publications of the Ecumenical Coalition on Tourism of the Third World, established in 1981 at Bangkok. 47/ All reveal the encouragement given by some operators to prostitution.

98. The Economic and Social Council is mentioned last (but is by no means least in hierarchical rank) because it is called on to direct and co-ordinate the programme of work of the United Nations in the economic, social and human rights fields (Council resolution 1156 (XLI) adopted on 5 August 1966) and to make recommendations on general policy in these areas to Governments and Member States (resolution 1768 (LIV) of 18 May 1973). On several occasions, and particularly in resolution 1981/VI adopted on 8 May 1981, the Council has expressed concern about the lack of a concerted and effective programme of action to combat the traffic in persons. After taking note of this report, it will probably find that the report does not sufficiently reflect the policies evolved and pursued by Member States. It may wish specifically to use it to invite Governments to provide it with supplementary information and comments. It may feel, furthermore, that it would be useful to extend the inquiry undertaken by the Special Rapporteur by requesting a specific organ or a consultant to prepare a study of male prostitution and the exploitation of such prostitution. It may also find it useful to encourage interested institutions, within and outside the United Nations system, to co-operate on a voluntary and continuing basis with the focal point which in fact already exists: the Centre for Human Rights, working in close co-operation with the Centre for Social Development and Humanitarian Affairs. It may wish to invite the Commission on Human Rights to consider enlarging the Working Group on Slavery and giving it more facilities, as suggested in paragraph 81. Lastly, responding to the wish expressed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1982/15 concerning slavery, which suggests (para. 2) that the Economic and Social Council and its subsidiary bodies "should maintain an active role in monitoring and setting progressive targets for and then ensuring the success of the work on slavery", the Economic and Social Council may decide to devote one or two days of its first regular session of 1985 to the question of the traffic in persons and the exploitation of the prostitution of others. At that time, it may wish to take note of the synthesis prepared by the Secretariat on new information and comments received from States and could organize with interested institutions, which would send representatives, a debate on the progress and shortcomings of international co-operation. If such an exercise were repeated every two or three years, the Council would thus retain control over a programme of action which needs guidance from a high political level.

### C. Outside the system

99. The International Criminal Police Organization (INTERPOL), whose statutes (art. 2) refer specifically to the Universal Declaration of Human Rights and which is linked to the United Nations by a special arrangement for co-operation adopted on 20 May 1971 by the Economic and Social Council, 48/ has a long tradition of co-operation with the Division of Human Rights. On 25 July 1974, INTERPOL transmitted to the Secretary-General a report entitled "Traffic in Women: recent trends" (E/CN.4/Sub.2, 362, annex). INTERPOL also prepared a very substantial report for its 1975 General Assembly. It is prepared to act against procuring as methodically and effectively as it acts against the drug traffic, the organizers of which often benefit from the resources of the exploitation of prostitution. However, measures to combat procuring do not enjoy the same priority, the 134 member States not having taken a decision to that effect. One of the main

conclusions to be drawn from this report is therefore that each member State of INTERPOL, seeing that its attention will have been drawn by the Economic and Social Council to the scope and shocking nature of the situation studied here, should instruct its representative to INTERPOL to request that organization to place measures to combat the traffic in women and children among its priorities. The next opportunity to do so will be the INTERPOL General Assembly scheduled for autumn 1983. In this case, in order to be consistent, Governments should, of course, communicate to INTERPOL all information which they possess in this field. This will ensure the implementation of paragraph 3 of the arrangement for co-operation, which states that the United Nations Secretariat and the International Criminal Police Organization may undertake technical co-operation in substantive projects. One of these projects could be an investigation of the disguised forms of the traffic in women under cover of marriage bureaux or artistic agencies and of the traffic in children under cover of adoption agencies.

100. It is acknowledged that non-governmental organizations have, in all fields of the United Nations activity, a supplementary role to play in relation to the action of States and intergovernmental organizations. In the field under consideration, in which many violations of the rights of the human person are committed clandestinely, Governments are not necessarily the best informed. The best intentions are sometimes betrayed by administrations which are not really aware of reality. They, like international institutions, would therefore be well advised to facilitate the task of non-governmental organizations and heed their information and suggestions. Which are these organizations? They are, firstly, those which militate in favour of human rights in general, and which know that the crux of the fight for human rights is the fight for the advancement of women and the protection of children. They are also the humanitarian, charitable, women's, family and educational associations and those concerned with the protection of children. They are, lastly, a few associations which propose specific action against the traffic and which effectively carry out prevention and rehabilitation activities. A large number of these non-governmental organizations already receive the annual questionnaire from the Division of Human Rights. The list of recipients could be extended by drawing on the list of non-governmental organizations consulted by the Special Rapporteur (annex V).

101. Among the non-governmental organizations working in the field, the Salvation Army, which has more than 100 years' experience and is currently present in 86 countries, is particularly well placed to appreciate the world-wide nature of prostitution and its exploitation. The report which it submitted on 16 April 1982 to the Division of Human Rights contains in seven pages a succinct summary of observations made in 39 countries on all continents. It shows that, in some 15 of these countries, prostitution is a very serious social scourge. It is the principle of the Salvation Army to co-operate fully with national and local authorities. Governments which intend to act in this field, social workers and interested associations should therefore use, in each country or at the international headquarters (the address of which is given in annex V), the more detailed information and experience of that organization.

102. The International Catholic Child Bureau invited several other non-governmental organizations to participate in a programme of studies entitled "Street Children

and Street Youth". This programme, in which UNICEF and WHO are represented as observers, will cover three years, beginning in 1982, and should culminate in a publication proposing a programme and methods for preventive action. Such children are particularly vulnerable to prostitution: in their case, preventive action will no doubt appear to the intergovernmental organizations concerned and to Member States as deserving priority.

103. Finally, three non-governmental organizations concluded, in December 1982, an agreement to carry out together an international study on "Exploitation of children with special regard to sexual exploitation and sale of children". The organizations concerned are the Anti-Slavery Society for the Protection of Human Rights, in London, Rädde Barnen, in Stockholm, and Defence for Children, in Geneva, their meeting-place being London. Mr. Abdelwahab Bouhdiba has agreed to participate in this study, which will continue until 1984 and conclude with a seminar.

#### CONCLUSION

104. At the heart of the struggle for respect and promotion of human rights, a more specific struggle is to be waged for the liberation of women and the protection of children because they, together with the poor, are least equipped to defend themselves. Many violations of human rights are committed through a lust for power, for revenge or through ideological passion. Those categorized as traffic in persons, even more odious, are motivated solely by the desire for profit. They attack the most fragile persons when they are in the most vulnerable situations: poverty, loneliness, depression. Confined in the bondage of prostitution, women and children await their liberation. This fight is as necessary as the fight against the drug traffic and the fight against racism. It must be waged by the international community with the same perseverance and the same effectiveness.

105. Despite persistent prejudices and considerable economic interests, the nineteenth century, which did not yet have a League of Nations, abolished the traffic in blacks. The process took less than a century: in 1780, blacks were emancipated in the state of Pennsylvania; in 1863, they obtained emancipation in the last southern slave states in the United States. Is not the twentieth century, which is better equipped in all respects, able to act as well and as quickly with respect to the traffic in women and children? It is for the United Nations Economic and Social Council, which can base itself on an abundance of normative texts and which has already stated its position, to confirm forcefully here and now the political will of Member States and to organize accordingly the work of the agencies which it is called on to co-ordinate. It is hoped that this report will provide it with the elements of a decision proclaiming clear principles and inspiring a coherent programme of action.

#### Notes

1/ General Assembly resolution 317 (IV) (see annex VII).

2/ ST/SOA/SD/8 (United Nations publication, Sales No. 59.IV.5).

- 3/ Report of the World Conference of the International Women's Year (United Nations publication, Sales No. E.76.IV.1), chap. III, resolution 7.
- 4/ Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, Copenhagen, 14 to 30 July 1980 (United Nations publication, Sales No. E.80.IV.3 and corrigenda), chap. I, sect. B, resolution 43, para. 7.
- 5/ E/CN.4/Sub.2/479/Rev.1 (United Nations publication, Sales No. E.82.XIV.2).
- 6/ United Nations publication, Sales No. 67.XIV.2.
- 7/ See Official Records of the Economic and Social Council, 1982, Supplement No. 4 (E/1982/14), chap. I, sect. A, draft resolution IV.
- 8/ Sec E/CN.4/1983/4 - E/CN.4/Sub.2/1982/43, chap. I.
- 9/ The Kinsey report, entitled Sexual Behaviour in the Human Male, 1953, limits its observations to the United States.
- 10/ Regarding the numerous links between prostitution and the drug trade, see paragraph 87.
- 11/ Non-symbol document.
- 12/ Idem.
- 13/ World Council of Churches, "Women in a changing world", Prostitution and Tourism, No. 11, December 1981, p. 33.
- 14/ Headquarters in Tokyo, poste restante, Shibuya Post Office, 150 Japan.
- 15/ Third World Movement against the Exploitation of Women (TW-MAE-W), P.O. Box 1434, Manila 2800.
- 16/ Asian Confederation of Women's Organisations (CVWO), with headquarters in Jakarta (c/o Kongres Wanita Indonesia, JL. Cokroaminoto No. 67, Jakarta 171450).
- 17/ Ideas Forum, No. 7, 1981, Supplement No. 16.
- 18/ See E/CN.4/1983/4, chap. I.
- 19/ ST/SOA/SD/8 (United Nations publication, Sales No. 59.IV.5), p. 6.
- 20/ Ibid., pp. 25 and 26.
- 21/ Ibid., pp. 9 et seq.
- 22/ Note dated 26 July 1982 for the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

23/ ST/SOA/SD/8 (United Nations publication, Sales No. 59.IV.5), para. 9.

24/ Survey by Mr. Jean Pouchet and Mr. Edouard Bernus, published in Études éburnéennes (1957), followed by a study by François Devalière (1971), cited by the Reverend Pierre Cadier.

25/ WCARRD/REP, Part One. Transmitted to the members of the General Assembly in a note from the Secretary-General (A/34/485).

26/ See CL 82/18, document of the FAO Council entitled "Follow-up of WCARRD".

27/ See E/CN.4/Sub.2/AC.2/1982/13, annex; and A/37/412.

28/ See E/CN.4/1983/4 - E/CN.4/Sub.2/1982/43, chap. I, sect. B.

29/ ST/SOA/SD/8 (United Nations publication, Sales No. 59.IV.5).

30/ Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, Copenhagen, 14 to 30 July 1980 (United Nations publication, Sales No. E.80.IV.3 and corrigenda), chap. I, resolution 43, para. 5.

31/ See Division of Narcotic Drugs "Preventive and treatment measures to reduce illicit demand for drugs", pp. 35-51 (New York, 1980), reissued with corrections in 1982. And Commission on Narcotic Drugs: "Report of the Expert Group on Drug Abuse Reduction, Vienna, September 1982" (E/CN.7/1983/2/Add.3), in particular paragraphs 11 to 35 (Preventive approaches) and 46 to 49 (Information and training).

32/ A/CONF.94/35 and corrigenda (United Nations publication, Sales No. E.80.IV.3 and corrigenda), chap. IV, para. 135.

33/ Idem., chap. I, sect. A.

34 See Actes et documents de la Quatorzième Session (1980). Vol. I. Matières diverses. Published by the Permanent Bureau of the Conference (National Printing Press, The Hague, 1982).

35/ See Rural Development and Women in Asia: Proceedings and conclusions of the ILO Tripartite Asian Regional Seminar, Mahabaleshwar, Maharashtra, India, 6-11 April 1981; and Pasuk Phongpaichit, "From peasant girls to Bangkok masseuses", Women, Work and Development, No. 2, International Labour Office, 1982.

36/ Gerry Rodgers and Guy Standing, "The economic roles of children: issues for analysis", Child Work, Poverty and Underdevelopment, International Labour Office, 1981.

37/ UNESCO, document 4XC/4, para. 14020.

38/ Ibid., para. 14022.

- 39/ Ibid., para. 143.
- 40/ Ibid., para. 156.
- 41/ See UNESCO, document 21 C/5, para. 1447.
- 42/ Ibid., para. 5013.
- 43/ Ibid., para. 5049.
- 44/ Ibid., para. 3032.
- 45/ See E/4955, annex.
- 46/ See A/36/236, annex, appendix I, para. 21.
- 47/ P.O. Box 10-1014, Bangkok, 10311, Thailand.
- 48/ See the annex to Economic and Social Council resolution 1579 (L).

Annex I

ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1982/20

1982/20. Suppression of the traffic in persons and of the exploitation of the prostitution of others

The Economic and Social Council,

Considering the terms of General Assembly resolution 317 (IV) of 2 December 1949,

Referring to resolution I (XXVII) of 4 April 1978 of the Commission on the Status of Women, 30/

Recalling its resolutions 1980/4 of 16 April 1980 and 1981/40 of 8 May 1981,

Taking into account the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the report on its thirty-fourth session, 31/

Having taken note of the report presented orally to the Commission on the Status of Women at its twenty-ninth session,

Aware of the contribution that the Centre for Social Development and Humanitarian Affairs can make by reason of its interdisciplinary competence,

Convinced that the scope of the problem raised by the traffic in persons, in particular women and children, requires consultation and co-ordination by all the competent agencies in the United Nations system or outside the system - the regional commissions, the Office of the United Nations High Commissioner for Refugees, the World Health Organization, the International Labour Organisation, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Tourism Organization, INTERPOL and non-governmental organizations interested in this problem,

Requests the Secretary-General to appoint a special rapporteur who, within existing budgetary resources, will make a synthesis of the surveys and studies on the traffic in persons and the exploitation of the prostitution of others that have been or are being carried out within the agencies in the United Nations system or

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30/ See Official Records of the Economic and Social Council, 1978, Supplement No. 2 (E/1978/32/Rev.1), chap. IX.

31/ E/CN.4/1512.



outside the system, and will present that synthesis and propose appropriate measures to prevent and suppress those practices that are contrary to the fundamental rights of human beings at the first regular session of 1983 of the Council.

23rd plenary meeting  
4 May 1982

Annex II

EXPLOITATION OF CHILD LABOUR\*

Report by Mr. Abdelwahab Bouhdiba, Special Rapporteur of  
the Sub-Commission on Prevention of Discrimination and  
Protection of Minorities

Extracts

115. Maids of all work in a situation of virtual bondage are to be found everywhere. This type of child labour is perhaps the most widespread; it exists in Europe as well as in Asia, in North as well as South America, in Oceania as well as in Africa. There are, of course, also adult maids everywhere, who are properly paid and who have a de facto and/or legal status which ensures their dignity. Here we refer only to instances in which the position of "servant" gives rise to the exploitation of child labour. It is girls who are most readily, but not exclusively, made use of improperly as servants. They may be put out to work, fictitiously adopted, or purely and simply sold. For a pittance, sometimes even for no wage at all, they have to perform all domestic duties and carry out the whims of those in whose houses they have been placed, working throughout the day and sometimes for a good part of the night. They are to be found in Tunis, Algiers, Rabat, Cairo, Abidjan and Dakar well below the age of 15, having come there from somewhere deep in the country to take up service in the homes of "those middle-class people who want to be served like the former colonizers or the ex-Pasha but cannot afford true domestic servants". It is current practice in Bolivia and Colombia for little Indian girls to be "adopted" from the age of 3 by white families. In East Africa "families in which the parents work and the children attend school often have another child in their home who does the housework. Most of the time these children may be said to be a part of the family, but on occasion they may be overloaded with work, neglected, and even ill-treated, in which case it is possible to refer to household slavery". 24/ These seemingly highly respectable practices (family adoption) serve as a cover for all kinds of malpractices.

116. Bondservice is often not far removed. The sale of children, which has so often been referred to in the Working Group on Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, is merely the ultimate stage in the exploitation of child labour. There is very little difference between the position of a boy hired on a permanent basis for a wage paid to his father, that of another who is placed in work or hired out by his parents, and that of a third who is pledged for a debt or purely and simply sold. "Maria, who is seven, was sold by her mother for £25, a real fortune". 25/ In Bolivia, Chile, Brazil, Thailand and the Maghreb children are often "given" away in payment for a debt entered into by the family or merely to have one mouth less to feed.

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\* E/CN.4/Sub.2/479/Rev.1 (United Nations publication, Sales No. E.82.XIV.2).

117. Reference may be made to the report submitted by the Working Group on Slavery (E/CN.4/Sub.2/447 of 20 August 1980) and to the reply from the Government of Thailand (E/CN.4/Sub.2/461) for firsthand information on the sale of children in Thailand:

"... the children were sold at prices which varied depending upon age, strength, beauty and type of sale agreement. The children could be sold on a contract basis, in which case the buyer would pay the full salary in advance plus commission to the middleman (with the family receiving part of the amount contracted, while the child received nothing); or they could be sold outright, after which the buyer would be expected to pay a salary to the child ... Once the child was delivered to the buyer there was no way of exercising control over the fulfilment of the agreement by the buyer. The preferred age range of children was 7 to 15", at a price of between \$200 and 400. "... There were usually between one and two hundred children under 16 years of age arriving in Bangkok by train every morning to look for work. Others might be taken straight from their villages or towns to factories or farms. A shop in Bangkok would receive and sell about 20,000 children a year, about a quarter of them under 16 years of age ...". 26/

118. Child prostitution is, together with the sale of children, the most distressing part of the story. There has always been a demand for children for sexual purposes because of their freshness and simplicity. Our age, which is "permissive" and at the same time surfeited and sexually vulgarized in the extreme, seeks all kinds of erotic refinements. There is a great demand among our contemporaries for the sexuality of the child, through which they seek to renew their thoroughly jaded sensuality. Hence the universal flourishing of child prostitution. "S.O.S. Enfants" estimates that some 5,000 boys and 3,000 girls below the age of 18 are involved in prostitution in Paris. The prostitutes most in demand in Latin America are between the ages of 10 and 14. Staggering evidence has been given by Challis and Elliman, more particularly for Brazil, where very young girls are particularly attractive to certain men, who pay very dearly for their services. "Depending on her physique and the services which she is able to provide, a girl of 12 can earn as much as \$500 a month, which is more than 10 times the amount an adult man can earn by working all day long in a factory. Once a girl of 12 or 13 has earned so much money, there is little hope that she will give up prostitution ... Over the years the prostitution of minors has become an industry, one from which many families make their entire living". 27/

119. The picture is the same in Hong Kong, and in Bangkok, where girls scarcely weaned are handed over for the equivalent of a few United States dollars to pimps and very soon find themselves shut up in some brothel for life. In Macao girls can be bought for \$100 or 200. When they land on the American coast they are "worth" 40 times as much.

120. A complete account of the "escort" system ought to be given here. Barcelona, Bombay, Macao, Singapore, Amsterdam, Hamburg, Paris, Marseilles, New York, Mexico City and so on. The market for pornography, with the help of video techniques, has provided very extensive scope for expansion in the exploitation of the sexuality of children, which is finding increasing outlets in Europe and North America, and more recently in the oil-producing countries.

121. In 1977 in New York, a girl was arrested for prostitution in Brooklyn 11 times before she had reached the age of 12. A "stable" was found in Chicago in which boys between 12 and 14 were working as prostitutes. Similar "discoveries" have been made in New York, New Orleans, Dallas and Los Angeles. Young boys have been "hired out" by the day or by the week to businessmen and politicians on trips or attending conferences. A couple arrested on Long Island had photographed their three-and-a-half-year-old daughter performing sexual acts. In the United States there are at least 264 pornographic magazines specializing in pornography concerning children. In 1977 the police seized 15,000 pornographic slides depicting young boys, and 4,000 films, each lasting 15 minutes, showing children under 10 of both sexes engaging in all kinds of sexual activity. It is estimated that the amount seized is no more than 5 per cent of what is in circulation. The trade in child pornography amounted to some \$500 million in the United States in 1977.

122. The effects of tourism on child prostitution should be mentioned because the extraordinary advance of tourism had led to dangerous developments. The presence of children of both sexes ready to satisfy the sexual appetites of organized bodies of tourists is very often an additional attraction. Young boys lured into prostitution may be said to be part of the "decor" of Hammamet, Jerba, Rio de Janeiro, Abidjan, Dakar, Colombo, Istanbul, etc. Young African "boys" are exploited just as shamelessly as the young Thai "masseuses". A recent report by Terre des Hommes had highlighted the prostitution of small boys in Sri Lanka, where there are estimated to be some 2,000, more especially in Colombo. Paedophile tourists are able to obtain many profusely illustrated "gay guides" containing extensive information including addresses, hotels, rates, local agents, local practices and traditions, and also the "legal limits" in each "host" country.

...

187. In at least three instances the exploitation of child labour is no less than a flagrant crime which violates the United Nations Charter, the principles of the Charter and the Universal Declaration of Human Rights, and the most elementary principles of morality and all positive laws. Energetic repressive action is called for in these instances. We refer to:

- (a) Sale and similar practices (serfdom, bondservice, fake adoption, abandonment);
- (b) Child prostitution, trafficking in pornography involving the sexuality of children, and the international traffic in girls and boys for immoral purposes;
- (c) Under-age maids in a position of servitude.

In these areas, and as matters of priority, there should be concerted action by Interpol and increased pressure on States condoning such practices, since these are not practices to be restricted, but practices to be brought to an end.

Notes

24/ Rimbaud, op. cit., p. 120.

25/ E. Challis and G. Elliman, op. cit., p. 82.

26/ E/CN.4/Sub.2/447, paras. 23 and 24.

27/ Challis and Elliman, op. cit., pp. 83-84.

Annex III

UPDATING OF THE REPORT ON SLAVERY\*

Report by Mr. Benjamin Whitaker, Special Rapporteur of  
the Sub-Commission on Prevention of Discrimination and  
Protection of Minorities

Extracts

(ii) Traffic in women: recent trends

41. In 1974 INTERPOL sent a report to the United Nations Sub-Commission on "Traffic in Women: recent trends" 56/ which concluded that "trafficked traffic in women still exists all over the world", including as examples "from South American women - mostly Argentine women or women who have visited that country - are "exported" to Puerto Rico, to the European Mediterranean countries, or to the Middle East. ... There is a European regional "market", mainly in French women who "work" in neighbouring countries, mostly in Luxembourg and Federal Germany (in "Eros Centres"), but women from South America and other countries are sometimes involved. There are links between this "market" and other regions, notably the Middle East ... Some traffic networks apparently recruit women in Europe send them to certain African countries which have reached a point in their development which allows the international exploitation of prostitution (Ivory Coast, Senegal) ... There is an East Asian market which recruits women - mostly from Thailand, but also from the Philippines - and sends them to other countries. ... The statistics received from Lebanon give reason to believe that there is a concentration of prostitution in this country. The women involved come mainly from other Arab countries, but also from many other countries. The situation would appear to be the same in Kuwait.

42. Several further specific cases, involving Indonesia, were described by INTERPOL in evidence to the Working Group at its fifth session (1979). 57/ On 8 May 1981 the following resolution was adopted by the Economic and Social Council:

"1981/40. Combating the traffic in persons and the exploitation of the prostitution of others

The Economic and Social Council,

Recalling its resolution 1980/4 of 16 April 1980, in which it requested the Secretary-General to prepare a report on the application of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 69

Recalling also resolution I (XXVII) of 4 April 1978 of the Commission on the Status of Women, 70

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\* E/CN.4/Sub.2/1982/20.

Considering the provisions of resolution 43 on the exploitation of the prostitution of others and traffic in persons, adopted by the World Conference of the United Nations Decade for Women, 71

Considering that slavery may be defined as the condition of a person who is entirely under the domination of another,

Having been informed that, for these reasons, the Working Group on Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities has been invited to collaborate in the preparation of a study on procuring,

Considering further that these practices, frequently condemned by various United Nations bodies, constitute a flagrant violation of human rights,

Considering that the combating and suppression of such traffic involves a number of different national and international organizations,

Requests the Secretary-General to undertake an inquiry among the Governments of Member States and the international organizations concerned - the regional commissions, the Office of the United Nations High Commissioner for Refugees, Interpol and the international non-governmental organizations concerned - on the status of the question and to report thereon to the General Assembly at its thirty-seventh session so that, with full knowledge of the facts, joint measures can be envisaged to put an end to this form of slavery."

43. Recent examples of the fact that such traffic is not extinct include recent reports that in February 1982 the Australian police arrested an Argentine white-slave gang organizing South American prostitutes in Melbourne; 58/ that in April 1982 the United States police were investigating allegations that over 150 young female singers from Hawaii and California had been forced into prostitution in Yakuza brothels in Japan, 59/ and that in May 1982 the Swedish police asked for INTERPOL's help against a Singapore-based gang who had been abducting Scandinavian girls and forcing them into prostitution in the Far East. 60/

(iii) Exploitation of prostitution

44. Although attitudes towards the practice of prostitution often involve hypocrisy (when, for example, only female offenders are punished and the responsibility of men ignored), participation in voluntary prostitution can be considered a matter of personal moral choice, whereas its exploitation (involving coercion of children, for example) falls fully within the terms of the present report. The exploitation of prostitution can be termed sexual slavery where a woman or child is owned, unable to change her residence, or forced to do acts she does not wish to perform. Her owner may turn her into a drug addict and then withhold drugs until she agrees to do whatever she is told. 61/ Some women, especially in some Moslem societies, who have been raped or seduced are thereafter compelled involuntarily to work in houses of prostitution because they are ostracized by their families and neighbourhoods. The Observer for the Commission on the Status of Women, Ms. Cockcroft, told the Sub-Commission at its thirty-first

session (1978) 62/ that the Commission considered enforced prostitution to be a form of slavery, expressed grave concern concerning the enticement and abduction of young girls for such purposes, and reported that there was evidence of a continuous and possibly increasing traffic in young females in and between several countries in the world. Several members of the Sub-Commission drew attention to the additional problems of the growth of reported male and child prostitution. A non-governmental organization described to the Working Group at its fifth session (1979), the consequences in human terms of this situation in parts of north-eastern Brazil, where some 50,000 young people (some aged only 12 or 14) struggled to survive in brothels of extreme exploitation - often being condemned to this existence through being bought from their parents or because they had been raped when working as domestic servants. Their fees are paid not to them but to madams who extort exorbitant amounts for food, clothes and lodging; the girls are thus kept in a form of bonded labour, sometimes being physically locked up or forced to become dependent on drugs. While prostitution is illegal in Brazil, redress under the law is rarely accessible to the poor, and those who exploit prostitution operate mostly outside the reaches of the police. 63/ A representative of another non-governmental organization told the Working Group at its seventh session (1981) about the exploitation of male children and adolescents for prostitution in certain South-East Asian countries, often organized on behalf of tourists from developed countries in Europe. The representative of the Sri Lanka Government confirmed to the Working Group his Government's concern at this burgeoning practice. It is in general the tour organizers who benefit economically from the traffic of sex tourism, rather than the women or children who are trapped in economically desperate circumstances. But it has been estimated that the 15,000 prostitutes in Thailand and 7,000 in the Philippines who cater for foreign male tourists form less than 7 per cent of the total number of prostitutes in each country, and that the most extreme forms of exploitation exist in the less visible "closed" brothels operated for the nationals in certain countries. 64/ The present Special Rapporteur, when in India, saw a study on prostitution in Bombay prepared by an Indian medical team working for the Bombay Municipal Corporation which indicated that 25 per cent of prostitutes in the Bombay area (many of them from Nepal) were actually slaves, i.e. having been sold by agents to brothels.

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#### E. Exploitation of child labour

59. The situation regarding the exploitation of child labour has been excellently analysed in a recent report by Mr. Bouhdiba. 83/ His study documents show considerable number of children are being exploited, including for bonded service and child prostitution. Much of the evidence for his analysis had been given by non-governmental organizations to the Working Group on Slavery, and it has been suggested that the Working Group can continue to perform a constructive role by considering future evidence and monitoring progress in this field.

60. The children of migrant workers, and pro tanto illegal immigrants, are especially liable to exploitation, being for the most part outside the protection of labour and safety regulations. After the death of two 10-year old children in the mines in 1970, the Federal Republic of Germany found 97,800 children were working illegally.

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61. The ILO in its recent valuable studies Child Work, Poverty and Underdevelopment 84/ and Minimum Age 85/ estimate that 75 million children aged from eight to 15 are at work in developing countries, with a few being bonded for life at 8 years old in part-payment for debts, 86/ often to the serious detriment of their health and educational opportunities. The first-mentioned ILO study concludes: "Some child work is clearly highly exploitative, and particularly so by virtue of children's weakness as a group. Children are highly exploitable, and it is right to be concerned to focus on those circumstances in which their vulnerability is manipulated to their lasting disadvantage." The 1981 United Nations Economic and Social Survey of Asia and the Pacific condemned the "unscrupulous abuse of child labour" widely practised in some poorer countries of Asia, reporting examples where "many thousands of children, some as young as six years, are virtually sold into annual or lifetime work in farms, homes, factories or brothels". Cases are also reported from advanced countries, particularly since increases in unemployment: in the United Kingdom it was reported in 1980 that a 12-year-old girl was working in Birmingham 56 hours for £5 a week. 87/

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#### I. Traffic in children

68. A substantial example of this was described to the Working Group at its sixth session which heard evidence from a social worker in Bangkok, speaking on behalf of a non-governmental organization, the Minority Rights Group, that considerable numbers of young Thai children are sold each year for prices from 150 to 1000 baht (\$7.50 to \$50) in a professionally-organized market that supplies factories, brothels and massage-parlours. The witness testified that more than 500 children each week were changing hands for money at Bangkok railway station alone, from professional "child-catchers" who exploited poverty in the rural areas. 97/ The Thai Government subsequently on 3 December 1980, expressed its concern and promised to put a stop to this. 98/

69. Growing concern is being expressed at the separate practice of the sale of children for adoption, generally by developing to advanced countries. A lawyer was recently charged in Bogota with buying two children for \$600 and then selling them illegally for adoption for \$10,000 each, and was accused of having sold 500 Colombian and 100 Peruvian children in this way. 99/ Some children had disappeared without their parents' consent. Ecuador has recently forbidden the adoption of children by foreigners in an attempt to stop such exploitation, but in Central America many children, left as orphans after their parents had been killed in guerrilla fighting, remain vulnerable. Terre des Hommes has called attention to unregulated private agencies in the Netherlands and the Federal Republic of Germany which offer babies from poorer countries for adoption by mail order. 100/ In May 1982 the Swiss federal authorities began an inquiry into allegations of a baby-smuggling syndicate between Sri Lanka and Switzerland, which charges Sw. frs. 10,000 (£2,800) for a baby, but pays only Sw. frs. 25 to its mother. 101/

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### C. Prostitution

93. The questionnaire used for the present report, in contrast to the one used by Mr. Awad in 1966, 141/ also dealt with matters covered by the Convention for the Suppression of Traffic in Persons and Exploitation of the Prostitution of Others of 1949. It included some general points (summarized as Question XI), such as a question about legislative action directed against the exploitation of prostitution and the traffic in persons as well as the actual or potential use of different types of measures at the national, regional or international level.

94. Two thirds of the countries which replied also reported on the general situation of prostitution in their territory. Emphasis was placed on the types of legislative measures taken and applied, including the combating of the procurement of prostitution, offences against minors and offences accompanied by acts of violence or deceit.

95. One country reported that its judicial and administrative authorities are of the view that the white slave trade has been abolished. However the same country also reported that according to a study carried out by the Faculty of Law of the University of the Country and based on a confidential source, fraud is used as an effective means of recruiting women, particularly between 12 and 25 years of age, for traffic with El Salvador, Guatemala, Panama and the United States. An offer of work abroad is the most effective form of fraud used in such traffic between Costa Rica and other countries. Since the trafficker uses appropriate methods, he is convicted not of engaging in the slave trade, but rather of forgery. 142/

96. Almost all countries which replied to Question XI gave a description of various laws and fines for prostitution and trafficking, thereby implying that there is some legislative control over these matters in their countries. Some stressed the fact that prostitution runs counter to public order and morality. 143/ One country stated that prostitution has been abolished:

"... the State is very vigilant in this respect as are mass and political organizations and also the neighbourhood councils to ensure that no practice harmful to the collective morality and the family is carried on." 144/

Prostitution in that country has therefore been stamped out not by enforcement measures but rather by the social environment which does not encourage it.

97. Another country's territory, prosecutions for procuring are said to be rare, whereas prosecutions for prostitution are fairly frequent. "The prostitutes are in fact mostly destitute refugees or immigrants." The problem therefore is one of immigration or refugees. Special social measures however have not been taken. 145/

98. Some countries simply reported that prostitution is forbidden, with the apparent implication that such cases do not arise on their territory. 146/ One country, a party to the Convention for the Suppression of the Traffic of Persons and of the Exploitation of the Prostitution of Others, reported that it has no records of the exclusion, repatriation, extradition, expulsion or deportation of

foreign prostitutes or of persons engaging in the exploitation of the prostitution of others or in any form of procuring. 147/ A number of countries stated either that examples of the traffic in persons or of the exploitation of the prostitution of others do not exist in their territory 148/ or that existing relevant legislation is practically never applied. 149/

99. Another country replied that although prohibited by law prostitution exists on a very small scale. That country attributed the remnants of prostitution to under-development and economic exploitation in the past. 150/

100. Only one country out of those which answered (and one which feels very strongly about strict measures to combat prostitution) reported about social measures that should help younger people to play a stronger role in community leadership and about consciousness-raising campaigns among the general public. It also urged more co-operation at the regional level and more effective international action. 151/

101. All the countries which reported on actual cases of prostitution, stated that there is only a minor incidence of it. One country provided ample statistics on the decrease of prostitution over the years. It reported that although prostitution per se does not constitute an offence, it is an offence under certain conditions, such as "persistent loitering or soliciting for the purpose of prostitution or for any immoral purpose in any public place ...". That country has no plans to abolish brothels in designated areas or for the registration of persons engaged in prostitution. A problem consists in the illegal trafficking of foreign prostitutes from neighbouring countries (in 1979/1980 there were 880), almost all of them between 18 and 20 years of age. Juvenile prostitution has declined, but still exists in a less detectable form. The decrease in prostitution on the whole is attributed to improved education and employment opportunities for girls and women. 152/

Notes

- 56/ E/CN.4/Sub.2/362.
- 57/ E/CN.4/Sub.2/419, annex.
- 58/ The Guardian, London, 15 February 1982.
- 59/ Sunday Times, London, 25 April 1982.
- 60/ The Observer, London, 9 May 1982.
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- 98/ E/CN.4/Sub.2/461.
- 99/ Newsweek, 2 November 1981.
- 100/ New Statesman, London, 15 January 1982.
- 101/ The Times, London, 12 May 1982.
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- 142/ Reply of Costa Rica, dated 3 August 1981.
- 143/ Reply of Algeria, dated 20 October 1981.

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145/ Reply of Djibouti dated 17 May 1981.

146/ Reply of Italy dated 20 March 1982; reply of Kuwait dated 9 June 1981.

147/ Reply of Mexico dated 20 May 1981.

148/ Reply of the Philippines dated 16 June 1981.

149/ Reply of Norway dated 16 March 1982.

150/ Reply of Nicaragua dated 6 May 1981.

151/ Reply of Niger dated 8 May 1981.

152/ Reply of Singapore dated 11 June 1981.

Annex IV

ORGANIZATIONS CONSULTED WITHIN THE UNITED NATIONS SYSTEM

A. United Nations

Department of International Economic and Social Affairs

Centre for Social Development and Humanitarian Affairs

Crime Prevention and Criminal Justice Branch

Advancement of Women Branch

Centre for Human Rights

Division of Narcotic Drugs

Office of the United Nations High Commissioner for Refugees

Regional Commissions:

for Africa

for Latin America

for Western Asia

for Asia and the Pacific

United Nations Children's Fund

B. Specialized agencies

International Labour Organisation

Food and Agriculture Organization of the United Nations

United Nations Educational, Scientific and Cultural Organization

World Health Organization

C. Other organizations

World Tourism Organization

Annex V

PRINCIPAL ORGANIZATIONS CONSULTED OUTSIDE THE UNITED NATIONS SYSTEM

1. International Criminal Police Organization (INTERPOL)  
26, rue Armengaud, 92210 Saint-Cloud (France)
2. International non-governmental organizations: a/
  - (a) St. Joan's International Alliance  
Flat 5, Hampton Hall, Warminster Road, Bathampton, Bath, Avon  
(United Kingdom)
  - (b) Salvation Army, International Headquarters,  
101, Queen Victoria Street, London EC4P 4EP
  - (c) International Catholic Child Bureau  
65, rue de Lausanne, 1202 Geneva
  - (d) International Commission of Jurists  
109, route de Chêne, 1224 Geneva
  - (e) International Council of Women  
13, rue Caumartin, 75009 Paris
  - (f) World Council of Churches  
150, route de Ferney, 1211 Geneva 20
  - (g) Council of Organizations directly Interested in Children and Youth  
(COIDIEA)  
65, rue de Lausanne, 1202 Geneva
  - (h) Defence for Children  
P.O. Box 92, 1226 Geneva - Thonex (Switzerland)

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a/ There are other lists of competent non-governmental organizations. One appears in the report by Mr. B. Whitaker (E/CN.4/Sub.2/1982/20, para. 3). The other is given in paragraphs 142 to 152 of the report entitled "Inquiry on the status of combating of the traffic in persons and of the exploitation of the prostitution of others" (E/CN.4/Sub.2/AC.2/1982/13).

- (i) International Abolitionist Federation  
28, place Saint-Georges, 75009 Paris
- (j) International Federation of Human Rights  
27, rue Jean Dolent, 75014 Paris
- (k) International Federation of Women in Legal Careers  
9, boulevard Saint-Martin, 75003 Paris
- (l) Oeuvre du bel accueil  
72490 Bourg-Le-Roi (France)
- (m) Partage avec les enfants du tiers monde  
7, impasse Jeannetot, P.O. Box 11, 62203 Compiègne (France)
- (n) Rädä Barnen International  
P.O. Box 27320, S10254 Stockholm, and 147, rue de Lausanne, 1202 Geneva
- (o) Anti-Slavery Society  
180, Brixton Road, London SW9
- (p) International Society of Child Abuse and Neglect  
105, Oneida Street, Denver, Colorado (United States)
- (q) International Union of Family Organizations  
28, place Saint-Georges, 75009 Paris
- (r) Inter-Parliamentary Union  
Place du Petit Saconnex, 1211 Geneva 19



Annex VI

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Annex VII

CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN PERSONS AND OF THE  
EXPLOITATION OF THE PROSTITUTION OF OTHERS\*

Preamble

Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community,

Whereas, with respect to the suppression of the traffic in women and children, the following international instruments are in force:

1. International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic, as amended by the Protocol a/ approved by the General Assembly of the United Nations of 3 December 1948,

2. International Convention of 4 May 1910 for the Suppression of the White Slave Traffic, as amended by the above-mentioned Protocol,

3. International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, as amended by the Protocol b/ approved by the General Assembly of the United Nations on 20 October 1947,

4. International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age, as amended by the aforesaid Protocol,

Whereas the League of Nations in 1937 prepared a draft Convention c/ extending the scope of the above-mentioned instruments, and

Whereas developments since 1937 make feasible the conclusion of a convention consolidating the above-mentioned instruments and embodying the substance of the 1937 draft Convention as well as desirable alterations therein;

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\* Adopted by the General Assembly in its resolution 317 (IV) of 2 December 1949.

a/ See Official Records of the third session of the General Assembly, Part I, Resolutions, page 165.

b/ See Official Records of the second session of the General Assembly, Resolutions, page 32.

c/ See League of Nations Official Journal, 18th Year, No. 12, page 955.

Now therefore

The Contracting Parties

Hereby agree as hereinafter provided:

#### Article 1

The Parties to the present Convention agree to punish any person who, to gratify the passions of another:

1. Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;
2. Exploits the prostitution of another person, even with the consent of that person.

#### Article 2

The Parties to the present Convention further agree to punish any person who:

1. Keeps or manages, or knowingly finances or takes part in the financing of a brothel;
2. Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.

#### Article 3

To the extent permitted by domestic law, attempts to commit any of the offences referred to in articles 1 and 2, and acts preparatory to the commission thereof, shall also be punished.

#### Article 4

To the extent permitted by domestic law, international participation in the acts referred to in articles 1 and 2 above shall also be punishable.

To the extent permitted by domestic law, acts of participation shall be treated as separate offences whenever this is necessary to prevent impunity.

#### Article 5

In cases where injured persons are entitled under domestic law to be parties to proceedings in respect of any of the offences referred to in the present Convention, aliens shall be so entitled upon the same terms as nationals.

#### Article 6

Each Party to the present Convention agrees to take all the necessary measures to repeal or abolish any existing law, regulation or administrative provision by virtue of which persons who engage in or are suspected of engaging in prostitution are subject either to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification.

#### Article 7

Previous convictions pronounced in foreign States for offences referred to in the present Convention shall, to the extent permitted by domestic law, be taken into account for the purpose of:

1. Establishing recidivism;
2. Disqualifying the offender from the exercise of civil rights.

#### Article 8

The offences referred to in articles 1 and 2 of the present Convention shall be regarded as extraditable offences in any extradition treaty which has been or may hereafter be concluded between any of the Parties to this Convention.

The Parties to the present Convention which do not make extradition conditional on the existence of a treaty shall henceforward recognize the offences referred to in articles 1 and 2 of the present Convention as cases for extradition between themselves.

Extradition shall be granted in accordance with the law of the State to which the request is made.

#### Article 9

In States where the extradition of nationals is not permitted by law, nationals who have returned to their own State after the commission abroad of any of the offences referred to in articles 1 and 2 of the present Convention shall be prosecuted in and punished by the courts of their own State.

This provision shall not apply if, in a similar case between the Parties to the present Convention, the extradition of an alien cannot be granted.

#### Article 10

The provisions of article 9 shall not apply when the person charged with the offence has been tried in a foreign State and, if convicted, has served his

sentence or had it remitted or reduced in conformity with the laws of that foreign State.

#### Article 11

Nothing in the present Convention shall be interpreted as determining the attitude of a Party towards the general question of the limits of criminal jurisdiction under international law.

#### Article 12

The present Convention does not affect the principle that the offences to which it refers shall in each State be defined, prosecuted and punished in conformity with its domestic law.

#### Article 13

The Parties to the present Convention shall be bound to execute letters of request relating to offences referred to in the Convention in accordance with their domestic law and practice.

The transmission of letters of request shall be effected:

1. By direct communication between the judicial authorities; or
2. By direct communication between the Ministers of Justice of the two States, or by direct communication from another competent authority of the State making the request to the Minister of Justice of the State to which the request is made; or
3. Through the diplomatic or consular representative of the State making the request in the State to which the request is made; this representative shall send the letters of request direct to the competent judicial authority or to the authority indicated by the Government of the State to which the request is made, and shall receive direct from such authority the papers constituting the execution of the letters of request.

In cases 1 and 3 a copy of the letters of request shall always be sent to the superior authority of the State to which application is made.

Unless otherwise agreed, the letters of request shall be drawn up in the language of the authority making the request, provided always that the State to which the request is made may require a translation in its own language, certified correct by the authority making the request.

Each Party to the present Convention shall notify to each of the other Parties to the Convention the method or methods of transmission mentioned above which it will recognize for the letters of request of the latter State.

Until such notification is made by a State, its existing procedure in regard to letters of request shall remain in force.

Execution of letters of request shall not give rise to a claim for reimbursement of charges or expenses of any nature whatever other than expenses of experts.

Nothing in the present article shall be construed as an undertaking on the part of the Parties to the present Convention to adopt in criminal matters any form or methods of proof contrary to their own domestic laws.

#### Article 14

Each Party to the present Convention shall establish or maintain a service charged with the co-ordination and centralization of the results of the investigation of offences referred to in the present Convention.

Such services should compile all information calculated to facilitate the prevention and punishment of the offences referred to in the present Convention and should be in close contact with the corresponding services in other States.

#### Article 15

To the extent permitted by domestic law and to the extent to which the authorities responsible for the services referred to in article 14 may judge desirable, they shall furnish to the authorities responsible for the corresponding services in other States the following information:

1. Particulars of any offence referred to in the present Convention or any attempt to commit such offence;
2. Particulars of any search for and any prosecution, arrest, conviction, refusal of admission or expulsion of persons guilty of any of the offences referred to in the present Convention, the movements of such persons and any other useful information with regard to them.

The information so furnished shall include descriptions of the offenders, their fingerprints, photographs, methods of operation, police records and records of conviction.

#### Article 16

The Parties to the present Convention agree to take or to encourage, through their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in the present Convention.



#### Article 17

The Parties to the present Convention undertake, in connection with immigration and emigration, to adopt or maintain such measures as are required, in terms of their obligations under the present Convention, to check the traffic in persons of either sex for the purpose of prostitution.

In particular they undertake:

1. To make such regulations as are necessary for the protection of immigrants or emigrants, and in particular, women and children, both at the place of arrival and departure and while en route;
2. To arrange for appropriate publicity warning the public of the dangers of the aforesaid traffic;
3. To take appropriate measures to ensure supervision of railway stations, airports, seaports and en route, and of other public places, in order to prevent international traffic in persons for the purpose of prostitution;
4. To take appropriate measures in order that the appropriate authorities be informed of the arrival of persons who appear, prima facie, to be the principals and accomplices in or victims of such traffic.

#### Article 18

The Parties to the present Convention undertake, in accordance with the conditions laid down by domestic law, to have declarations taken from aliens who are prostitutes, in order to establish their identity and civil status and to discover who has caused them to leave their State. The information obtained shall be communicated to the authorities of the State of origin of the said persons with a view to their eventual repatriation.

#### Article 19

The Parties to the present Convention undertake, in accordance with the conditions laid down by domestic law and without prejudice to prosecution or other action for violations thereunder and so far as possible:

1. Pending the completion of arrangements for the repatriation of destitute victims of international traffic in persons for the purpose of prostitution, to make suitable provisions for their temporary care and maintenance;
2. To repatriate persons referred to in article 18 who desire to be repatriated or who may be claimed by persons exercising authority over them or whose expulsion is ordered in conformity with the law. Repatriation shall take place only after agreement is reached with the State of destination as to identity and nationality as well as to the place and date of arrival at frontiers. Each

Party to the present Convention shall facilitate the passage of such persons through its territory.

Where the persons referred to in the preceding paragraph cannot themselves repay the cost of repatriation and have neither spouse, relatives, nor guardian to pay for them, the cost of repatriation as far as the nearest frontier or port of embarkation or airport in the direction of the State of origin shall be borne by the State where they are in residence, and the cost of the remainder of the journey shall be borne by the State of origin.

#### Article 20

The Parties to the present Convention shall, if they have not already done so, take the necessary measures for the supervision of employment agencies in order to prevent persons seeking employment, in particular women and children, from being exposed to the danger of prostitution.

#### Article 21

The Parties to the present Convention shall communicate to the Secretary-General of the United Nations such laws and regulations as have already been promulgated in their States, and thereafter annually such laws and regulations as may be promulgated, relating to the subjects of the present Convention, as well as all measures taken by them concerning the application of the Convention. The information received shall be published periodically by the Secretary-General and sent to all Members of the United Nations and to non-Member States to which the present Convention is officially communicated in accordance with article 23.

#### Article 22

If any dispute shall arise between the Parties to the present Convention relating to its interpretation or application and if such dispute cannot be settled by other means, the dispute shall, at the request of any one of the Parties to the dispute, be referred to the International Court of Justice.

#### Article 23

The present Convention shall be open for signature on behalf of any Member of the United Nations and also on behalf of any other State to which an invitation has been addressed by the Economic and Social Council.

The present Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

The States mentioned in the first paragraph which have not signed the Convention may accede to it.

Accession shall be effected by deposit of an instrument of accession with the Secretary-General of the United Nations.

For the purposes of the present Convention the word "State" shall include all the colonies and Trust Territories of a State signatory or acceding to the Convention and all territories for which such State is internationally responsible.

#### Article 24

The present Convention shall come into force on the ninetieth day following the date of deposit of the second instrument of ratification or accession.

For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification or accession, the Convention shall enter into force ninety days after the deposit by such State of its instrument of ratification or accession.

#### Article 25

After the expiration of five years from the entry into force of the present Convention, any Party to the Convention may denounce it by a written notification addressed to the Secretary-General of the United Nations.

Such denunciation shall take effect for the Party making it one year from the date upon which it is received by the Secretary-General of the United Nations.

#### Article 26

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-Member States referred to in article 23:

(a) Of signatures, ratifications and accessions received in accordance with article 23;

(b) Of the date on which the present Convention will come into force in accordance with article 24;

(c) Of denunciations received in accordance with article 25.

#### Article 27

Each Party to the present Convention undertakes to adopt, in accordance with its Constitution, the legislative or other measures necessary to ensure the application of the Convention.

#### Article 28

The provisions of the present Convention shall supersede in the relations between the Parties thereto the provisions of the international instruments referred to in subparagraphs 1, 2, 3 and 4 of the second paragraph of the Preamble, each of which shall be deemed to be terminated when all the Parties thereto shall have become Parties to the present Convention.

#### Final Protocol

Nothing in the present Convention shall be deemed to prejudice any legislation which ensures, for the enforcement of the provisions for securing the suppression of the traffic in persons and of the exploitation of others for purposes of prostitution, stricter conditions than those provided by the present Convention.

The provisions of articles 23 to 26 inclusive of the Convention shall apply to the present Protocol.

Annex VIII

STATES WHICH HAVE RATIFIED THE 1949 CONVENTION FOR THE SUPPRESSION  
OF THE TRAFFIC IN PERSONS AND OF THE EXPLOITATION OF THE  
PROSTITUTION OF OTHERS\*

Up to 30 April 1982, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 had been ratified or acceded to by 53 States as follows: Albania, Algeria, Argentina, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Central African Republic, Congo, Cuba, Czechoslovakia, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, German Democratic Republic, Guinea, Haiti, Hungary, India, Iraq, Israel, Italy, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malawi, Mali, Mexico, Morocco, Niger, Norway, Pakistan, Philippines, Poland, Republic of Korea, Romania, Senegal, Singapore, South Africa, Spain, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, United Republic of Cameroon, Union of Soviet Socialist Republics, Upper Volta, Venezuela and Yugoslavia.

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\* See E/CN.4/Sub.2/AC.2/1982/9.

Annex IX

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION  
AGAINST WOMEN\*

Extracts

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

...

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

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\* Adopted by the General Assembly in its resolution 34/180 of 18 December 1979.

Annex X

DECLARATION OF THE RIGHTS OF THE CHILD\*

Extracts

Principle 2

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration.

...

Principle 6

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

...

Principle 8

The child shall in all circumstances be among the first to receive protection and relief.

Principle 9

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

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\* Adopted by the General Assembly in its resolution 1386 (XIV) of 20 November 1959.

The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.



Annex XI

ADDRESS GIVEN BY MR. AMADOU-MAHTAR M'BOW, DIRECTOR-GENERAL OF UNESCO  
TO THE WORLD CONFERENCE OF THE UNITED NATIONS DECADE FOR WOMEN:  
EQUALITY, DEVELOPMENT AND PEACE

COPENHAGEN, 17 JULY 1980

Extracts\*

Five years ago, by sending a large delegation to the Mexico City Conference, UNESCO had tried to show how much importance it attached to the changes through which it should be possible to abolish all the inequalities from which women in so many societies still suffer. Its concern has always been to help in ensuring the complete equality of all human beings. In particular it has struggled for decades, in various ways and not without some success, to suppress all sex-based discrimination in education. It tries to ensure that everywhere boys and girls, men and women, have equal chances of success. The purpose of my presence among you here today is first and foremost to reaffirm the commitment of the United Nations Educational, Scientific and Cultural Organization to support all those who labour to achieve this aim, and also to bear witness to my personal solidarity with all the women of the world who are pushed out of the mainstream of life or subjected to degrading conditions by the injustice of men.

...

The basic obstacle to complete equality of the sexes has to do with traditions and attitudes of mind. The behaviour of most men can be explained by cultural factors engrained in mental outlooks and traditional codes of ethics. Even those who have taken the principles of sexual equality to heart are inclined to see a natural divergence between the respective vocations and capabilities of men and women. In cultures which are now trying to change male behaviour, there are still few incentives for men to take over, spontaneously and without shame, those tasks which have traditionally fallen to the female part of the family.

...

There are likewise very few men who are happy to see women take priority socially or professionally.

I must also venture to say here that there are still many women to whom the historical role defined for them by men has become second nature to such an extent that they dread any far-reaching change in their status. In certain cases, there has even been evidence of a decline in their desire for emancipation, as if, alarmed at the prospect of having to enter into their new state of freedom, they suddenly feel unprotected in societies which still seem to be structured solely to suit the interests and ambitions of men alone.

---

\* See UNESCO, document DG/80/17.

Admittedly, most of the measures designed to revolutionize the status of women focus on specific targets such as literacy, the improvement of domestic or agricultural know-how, and sometimes in addition certain craft skills which are of course important. But these measures do not make sufficient allowance for socio-cultural obstacles and do not make it a prerequisite of any social reform that efforts should first be made to inform and motivate both the women and the community as a whole.

Almost everywhere in the world the image of women's role propagated by the media is still very much based on the established ideas and discriminatory habits of the past. Now that the awakening of women has spread world-wide, although no one dares any longer openly to depict woman as a creature driven by emotion, with weaker nerves and a lower intelligence quotient than man, nevertheless the old mill of misogyny continues to grind out the hackneyed myths of the supposed inferiority of the female sex. Women are prematurely conditioned to feel that it is quite natural to be judged all their lives more by their physical appearance than by their abilities, talents and qualities of mind and heart. Female nudity is the most commonly used device for inducing people to buy any commodity whatsoever. The values which are readily emphasized are those involving violence and competition for the favours of woman regarded solely as a sex object.

...

The UNESCO Constitution states that, "since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constituted". I should like to say myself in conclusion that - to paraphrase this noble idea - since the various prejudices which adversely affect the status of women were originally born in the minds of men, it is the minds of men that must be transformed so that men and women may together enable mankind to make new progress along the path of freedom, justice, peace, dignity and happiness. May the results of your work represent a decisive contribution to this task.

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